

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 25, 2017

Senate called to order at 10:59 a.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Richard Snyder.

Almighty and ever living God, we thank You for this new day and for Your presence among us. We ask Your blessing on the members of the Nevada Senate and all those who work in this building. Help us to remember always that what is important to You is not the winning or the losing, but how the game is played.

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Senate Parliamentary Rules and Procedures has approved the consideration of: Amendment No. 591 to Senate Bill No. 59, Amendment No. 298 to Senate Bill No. 287, Amendment No. 616 to Senate Bill No. 350, Amendment No. 590 to Senate Bill No. 414, Amendment No. 623 to Senate Bill No. 498.

KELVIN ATKINSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ford moved that Senate Bill No. 433 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Senator Hammond moved that Senate Bill No. 472 be taken from its position on the Secretary's desk and placed at the bottom of the General File.

Motion carried.

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

Motion carried.

Senator Segerblom moved that Senate Bill No. 374 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 2.

Resolution read second time.

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

Amendment No. 515.

SUMMARY—Proposes to amend the Nevada Constitution to require the recognition of all marriages regardless of gender. (BDR C-690)

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to require the recognition of all marriages regardless of gender. Legislative Counsel's Digest:

Section 21 of Article 1 of the Nevada Constitution provides that only a marriage between a male and a female person may be recognized and given effect in this State. The United States Supreme Court, however, held in 2015 that the right to marry is guaranteed by the Fourteenth Amendment to the United States Constitution and that same-sex couples may not be deprived of that right. *See Obergefell v. Hodges*, 135 S. Ct. 2584 (2015). Under the Supremacy Clause of the United States Constitution, federal constitutional law supersedes state constitutional law in most cases. (U.S. Const. Art. VI, cl. 2) As a result, Section 21 of Article 1 of the Nevada Constitution is not enforceable.

This resolution amends Section 21 of Article 1 of the Nevada Constitution to require the State of Nevada and its political subdivisions to recognize all marriages regardless of gender. In addition, this resolution establishes the rights of religious organizations and members of the clergy to refuse to perform marriages on the basis of gender or other factors, and specifically provides that a person does not have a right to make a claim against a religious organization or member of the clergy for refusing to perform a marriage. This resolution further provides that all legally valid marriages must be treated equally under the law.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 21 of Article 1 of the Nevada Constitution be amended to read as follows:

~~{Sec.} Sec. 21. {Limitation on recognition} Recognition of marriage. {Only a marriage between a male and female person shall be recognized and given effect in this state.}~~

1. *The State of Nevada and its political subdivisions shall recognize marriages and issue marriage licenses to couples regardless of gender.*
2. *Religious organizations and members of the clergy have the right to refuse to solemnize a marriage, and no person has the right to make any claim against a religious organization or member of the clergy for such a refusal.*
3. *All legally valid marriages must be treated equally under the law.*

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senators Cannizzaro and Hardy.

SENATOR CANNIZZARO:

Amendment No. 515 to Assembly Joint Resolution No. 2 specifies that religious organizations and members of the clergy have the right to refuse to solemnize a marriage, and no person has the right to make any claim against a religious organization or member of the clergy for such a refusal.

SENATOR HARDY:

Does this include multiple marriages?

SENATOR CANNIZZARO:

Assembly Joint Resolution No. 2 proposes to amend the Nevada Constitution to require recognition of all marriages regardless of gender so I do not believe this amendment or this resolution apply to this circumstance.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 219 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 433.

Bill read third time.

Remarks by Senators Cannizzaro and Harris.

SENATOR CANNIZZARO:

Senate Bill No. 433 makes various changes to provisions governing guardianships, including replacing the term "ward" with the term "protected person." Among the provisions addressed by this bill are those dealing with visitation, communication and interactions among protected persons and family members and other persons of natural affection; rights to petition the court for a violation regarding visitation, communication and interactions among protected persons and family members and other persons of natural affection; notifications, including those involving changing the residence of a protected person and those concerning the death, impending death or funeral arrangements of a protected person; imposition of damages for violating the rights of a protected person; appointment of a person to represent a protected person as a guardian *ad litem* and appointment of a person to represent an adult protected person; imposition of penalties for misappropriation of money from the estate of a protected person; removal of a guardian and appointment of an attorney to represent a protected person under certain circumstances, and changes to certain fees for filing petitions and recording such documents.

SENATOR HARRIS:

I rise in support of Senate Bill No. 433. During the legislative interim, Chief Justice Hardesty formed and chaired the Guardianship Commission, consisting of 27 members, including; Legislators, judges, administrative agencies, members of the press and others. It was my privilege to serve on the Guardianship Commission. The Guardianship Commission's work has resulted in 16 recommendations contained in 5 bills currently being considered by the Legislature. Senate Bill No. 433 contains many of the recommendations from the Guardianship Commission.

I want to recognize the Commission for its hard work and commitment in advocating for protections for our most vulnerable citizens. I know the Guardianship Commission is grateful for Senate Bill No. 433. I urge all of my colleagues to support this bill.

Roll call on Senate Bill No. 433:

YEAS—20.

NAYS—Gustavson.

Senate Bill No. 433 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Atkinson moved that Senate Bill No. 18 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 47.

Bill read third time.

Remarks by Senators Settlemeyer and Goicoechea.

SENATOR SETTELMEYER:

Senate Bill No. 47 makes various changes relating to the appropriation of water. Specifically, the bill does the following: requires the State Engineer to prepare a water budget and inventory of groundwater for each basin in the State; makes certain revisions to the application and notice requirements for applications to appropriate water; provides that if the records of the State Engineer indicate four or more consecutive years of nonuse of water, the State Engineer must notify the owner of the nonuse and that the owner has one year to provide proof of beneficial use of water to avoid forfeiture; provides certain considerations that must be used by the State Engineer in determining whether or not to grant an extension to work a forfeiture; increases to five years the maximum period for a single extension to file proofs for any manner of use, to match the maximum period allowed for a municipal/quasi-municipal use; and makes clarifying changes to the Southern Nevada Water Authority Act as requested by the Southern Nevada Water Authority. I appreciate the Chair letting me speak on this bill considering I finally voted "yes" after "no" twice.

SENATOR GOICOECHEA:

I rise in support of Senate Bill No. 47; however, I am a bit concerned about the term "conjunctive water", and I am hopeful we can get that defined in a bill that is going through the other House.

Roll call on Senate Bill No. 47:

YEAS—21.

NAYS—None.

Senate Bill No. 47 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 59.

Bill read third time.

The following amendment was proposed by Senator Ford:

Amendment No. 591.

SUMMARY—Revises provisions relating to the program to monitor prescriptions for certain controlled substances. (BDR 40-386)

AN ACT relating to controlled substances; requiring the uploading of certain information to the database of the program developed by the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to monitor prescriptions for certain controlled substances; authorizing a coroner, medical examiner or deputy thereof who meets certain requirements to access the database of the program; expanding the scope of the program to include certain additional controlled substances; requiring a practitioner to obtain a patient utilization report before prescribing certain controlled

substances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV filled by a pharmacy or dispensed by a practitioner registered with the Board. The program is required to be designed to provide information regarding: (1) the inappropriate use by a patient of certain controlled substances to pharmacies, practitioners and appropriate state and local governmental agencies to prevent the improper or illegal use of such controlled substances; and (2) statistical data relating to the use of those controlled substances. (NRS 453.162) Sections 2-3 of this bill expand the scope of the program to also track each prescription for a controlled substance listed in schedule V.

Existing law requires the Board to allow certain law enforcement officers to have Internet access to the database of the program only for the purpose of investigating a crime related to prescription drugs. (NRS 453.165)

Section 1.3 of this bill requires a law enforcement officer who encounters certain situations involving prescribed controlled substances or who receives a report of a stolen prescription for a controlled substance while acting in his or her official capacity and in the regular course of an investigation to report certain information to his or her employer. Section 1.3 requires a coroner, medical examiner or deputy thereof who determines, as the result of an investigation of the death of a person, that the person died as the result of using a prescribed controlled substance, to upload certain information to the database of the program or, if the coroner, medical examiner or deputy thereof does not have such access, report such information to a coroner, medical examiner or deputy thereof who has access to the database. Section 1.3 also requires the employer of the law enforcement officer or a coroner, medical examiner or deputy thereof to upload such reported information to the database of the program as soon as practicable after receiving the information except where the employer of a law enforcement officer determines that uploading the information will interfere with an active criminal investigation. In that case, the employer may postpone uploading the information until after the conclusion of the investigation. Section 1.3 further provides that each law enforcement officer, employer of a law enforcement officer, coroner, medical examiner or deputy of a coroner or medical examiner who makes a good faith effort to comply with section 1.3, or a regulation adopted pursuant thereto, is immune from civil and criminal liability for any act or omission relating to the transmission of information pursuant to section 1.3. Section 1.6 of this bill authorizes a coroner, medical examiner or deputy thereof who meets certain requirements to access the database of the computerized program to: (1) upload information concerning the death of a person due to using a prescribed controlled substance; or (2) investigate the death of a person.

Existing law requires a practitioner to obtain a patient utilization report from the computerized program before initiating a prescription for a controlled substance listed in schedule II, III or IV. Section 5.5 of this bill additionally requires a practitioner to obtain such a report before initiating a prescription for an opioid that is a controlled substance listed in schedule V.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. 1. *If a law enforcement officer, while acting in his or her official capacity and in the regular course of an investigation:*

(a) *Encounters a situation in which the law enforcement officer has ~~reasonable suspicion~~ probable cause to believe that a violation of this chapter involving a prescription for a controlled substance is occurring or has occurred;*

(b) *Encounters a deceased person who the law enforcement officer believes died as a result of using a prescribed controlled substance; or*

(c) *Receives a report of a stolen prescription for a controlled substance,*
→ *the law enforcement officer shall report to his or her employer the information required by subsection 3.*

2. *A coroner, medical examiner or deputy thereof who, as the result of an investigation into the cause of a death determines that a person died as the result of using a prescribed controlled substance, shall:*

(a) *If the coroner, medical examiner or deputy thereof has access to the database of the computerized program developed pursuant to NRS 453.162, upload the information required by subsection 3 as soon as practicable; or*

(b) *If the coroner, medical examiner or deputy thereof does not have access to the database of the computerized program developed pursuant to NRS 453.162, report the information to a coroner, medical examiner or deputy thereof who has such access.*

3. *A law enforcement officer or a coroner, medical examiner or deputy thereof who is required to report or upload, as applicable, information pursuant to subsection 1 or 2 shall report or upload, as applicable, the following information, to the extent such information is available and applicable:*

(a) *The name of the person who:*

(1) *Is ~~suspected of violating~~ believed to have violated this chapter;*

(2) *Is believed to have experienced an overdose as a result of using a prescribed controlled substance;*

(3) *Is believed to have died as a result of using a prescribed controlled substance; or*

(4) *Filed the report of a stolen prescription for a controlled substance.*

(b) *The name of the person to whom the controlled substance involved in an event described in subsection 1 or 2 is or was prescribed.*

(c) If a prescription container for the controlled substance is found in the vicinity of the location of an event described in paragraph (a) or (b) of subsection 1 or subsection 2 or if a prescription for a controlled substance is reported stolen:

- (1) The name of the prescribing practitioner;
- (2) The prescription number; and
- (3) The name of the controlled substance as it appears on the prescription container or prescription order.

4. Except as otherwise provided in subsection 5, an employer of a law enforcement officer or a coroner, medical examiner or deputy thereof who receives a report pursuant to subsection 1 or 2 shall, as soon as practicable after receiving that report, upload to the database of the program established pursuant to NRS 453.162 notice of the occurrence of an event described in subsection 1 or 2, as applicable, and the information received pursuant to subsection 3. The employer of a law enforcement officer or a coroner, medical examiner or deputy thereof shall ensure that only a person who is authorized to access the database of the program pursuant to NRS 453.165 or section 1.6 of this act uploads such information.

5. If an employer of a law enforcement officer determines that uploading any information to the database of the program pursuant to subsection 4 will interfere with an active criminal investigation, the employer may postpone uploading such information until after the conclusion of the investigation.

6. Each law enforcement officer or employer of a law enforcement officer and each coroner, medical examiner and deputy thereof who makes a good faith effort to comply with this section, or a regulation adopted pursuant thereto, is immune from civil and criminal liability for any act or omission relating to the transmission of information pursuant to this section.

7. As used in this section, "law enforcement officer" has the meaning ascribed to it in NRS 453.165.

Sec. 1.6. 1. Except as otherwise provided in this section, the Board shall allow:

(a) A coroner or medical examiner to have Internet access to the database of the computerized program developed pursuant to NRS 453.162 if the coroner or medical examiner has completed the course of training developed pursuant to subsection 4 of NRS 453.164.

(b) A deputy of a coroner or medical examiner to have Internet access to the database of the computerized program developed pursuant to NRS 453.162 if:

(1) The deputy has completed the course of training developed pursuant to subsection 4 of NRS 453.164; and

(2) The coroner or medical examiner who employs the deputy has submitted the certification required pursuant to subsection 2 to the Board.

2. Before the deputy of a coroner or medical examiner may be given access to the database pursuant to subsection 1, the coroner or medical examiner who employs the deputy must certify to the Board that the deputy has been approved

to have such access and meets the requirements of subsection 1. Such certification must be made on a form provided by the Board and renewed annually.

3. When a coroner, medical examiner or deputy thereof accesses the database of the computerized program pursuant to this section, the officer must enter a unique user name assigned to the coroner, medical examiner or deputy thereof and, if applicable, the case number corresponding to the investigation being conducted by the coroner, medical examiner or deputy thereof.

4. A coroner, medical examiner or deputy thereof who has access to the database of the computerized program pursuant to subsection 1 may access the database only to:

- (a) Investigate the death of a person; or*
- (b) Upload information to the database pursuant to section 1.3 of this act.*

5. The Board or the Division may suspend or terminate access to the database of the computerized program pursuant to this section if a coroner, medical examiner or deputy thereof violates any provision of this section.

Sec. 2. NRS 453.162 is hereby amended to read as follows:

453.162 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III ~~for~~, IV or V that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III ~~and~~, IV and V to pharmacies, practitioners and appropriate state and local governmental agencies, including, without limitation, law enforcement agencies and occupational licensing boards, to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who is required to access the database of the program pursuant to NRS 453.164, including, without limitation:

- (1) The name of the person;
- (2) The physical address of the person;
- (3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

(e) To the extent that money is available, include:

(1) A means by which a practitioner may designate in the database of the program that he or she suspects that a patient is seeking a prescription for a controlled substance for an improper or illegal purpose. If the Board reviews the designation and determines that such a designation is warranted, the Board shall inform pharmacies, practitioners and appropriate state agencies that the patient is seeking a prescription for a controlled substance for an improper or illegal purpose as described in subparagraph (1) of paragraph (a).

(2) The ability to integrate the records of patients in the database of the program with the electronic health records of practitioners.

2. The Board, the Division and each employee thereof are immune from civil and criminal liability for any action relating to the collection, maintenance and transmission of information pursuant to this section and NRS 453.163 and 453.164 *and sections 1.3 and 1.6 of this act* if a good faith effort is made to comply with applicable laws and regulations.

3. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 2.5. NRS 453.163 is hereby amended to read as follows:

453.163 1. Except as otherwise provided in this subsection, each person registered pursuant to this chapter to dispense a controlled substance listed in schedule II, III ~~for~~, IV *or* V shall, not later than the end of the next business day after dispensing a controlled substance, upload to the database of the program established pursuant to NRS 453.162 the information described in paragraph (d) of subsection 1 of NRS 453.162. The requirements of this subsection do not apply if the controlled substance is administered directly by a practitioner to a patient in a health care facility, as defined in NRS 439.960, a child who is a resident in a child care facility, as defined in NRS 432A.024, or a prisoner, as defined in NRS 208.085. The Board shall establish by regulation and impose administrative penalties for the failure to upload information pursuant to this subsection.

2. The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to NRS 453.162, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

3. A practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III ~~for~~, IV *or* V who makes a good faith effort to comply with

applicable laws and regulations when transmitting to the Board or the Division a report or information required by this section or NRS 453.162 or 453.164, or a regulation adopted pursuant thereto, is immune from civil and criminal liability relating to such action.

Sec. 3. NRS 453.164 is hereby amended to read as follows:

453.164 1. The Board shall provide Internet access to the database of the program established pursuant to NRS 453.162 to an occupational licensing board that licenses any practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III ~~for~~, IV ~~or~~ V.

2. The Board and the Division must have access to the program established pursuant to NRS 453.162 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

3. The Board or the Division shall report any activity it reasonably suspects may:

(a) Be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

(b) Indicate the inappropriate use by a patient of a controlled substance to the occupational licensing board of each practitioner who has prescribed the controlled substance to the patient. The occupational licensing board may access the database of the program established pursuant to NRS 453.162 to determine which practitioners are prescribing the controlled substance to the patient. The occupational licensing board may use this information for any purpose it deems necessary, including, without limitation, alerting a practitioner that a patient may be fraudulently obtaining a controlled substance or determining whether a practitioner is engaged in unlawful or unprofessional conduct. This paragraph shall not be construed to require an occupational licensing board to conduct an investigation or take any action against a practitioner upon receiving information from the Board or the Division.

4. The Board and the Division shall cooperatively develop a course of training for persons who are required *or authorized* to receive access to the database of the program pursuant to subsection 6 *or NRS 453.165 and section 1.6 of this act* and require each such person to complete the course of training before the person is provided with Internet access to the database.

5. Each practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III ~~for~~, IV *or V* shall complete the course of instruction described in subsection 4. The Board shall provide Internet access to the database to each such practitioner or other person who completes the course of instruction.

6. Each practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III ~~for~~, IV *or V* shall, to the extent the program allows, access the database of the program established pursuant to NRS 453.162 at least once each 6 months to:

(a) Review the information concerning the practitioner that is listed in the database and notify the Board if any such information is not correct; and

(b) Verify to the Board that he or she continues to have access to and has accessed the database as required by this subsection.

7. Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, 453.162 and 453.163, must not be disclosed to any person. That information must be disclosed:

(a) Upon ~~the~~ a request ~~of~~ made on a notarized form prescribed by the Board by a person about whom the information requested concerns or upon ~~the~~ such a request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

8. If the Board, the Division or a law enforcement agency determines that the database of the program has been intentionally accessed by a person or for a purpose not authorized pursuant to NRS 453.162 to 453.165, inclusive, *and sections 1.3 and 1.6 of this act*, the Board, Division or law enforcement agency, as applicable, must notify any person whose information was accessed by an unauthorized person or for an unauthorized purpose.

Sec. 4. NRS 453.165 is hereby amended to read as follows:

453.165 1. Except as otherwise provided in this section, the Board shall allow a law enforcement officer to have Internet access to the database of the computerized program developed pursuant to NRS 453.162 if:

(a) The primary responsibility of the law enforcement officer is to conduct investigations of crimes relating to prescription drugs;

(b) The law enforcement officer has been approved by his or her employer to have such access;

(c) The law enforcement officer has completed the course of training developed pursuant to subsection 4 of NRS 453.164; and

(d) The employer of the law enforcement officer has submitted the certification required pursuant to subsection 2 to the Board.

2. Before a law enforcement officer may be given access to the database pursuant to subsection 1, the employer of the officer must certify to the Board that the law enforcement officer has been approved to be given such access and meets the requirements of subsection 1. Such certification must be made on a form provided by the Board and renewed annually.

3. When a law enforcement officer accesses the database of the computerized program pursuant to this section, the officer must enter a unique user name assigned to the officer and, *if applicable*, the case number corresponding to the investigation being conducted by the officer.

4. A law enforcement officer who is given access to the database of the computerized program pursuant to subsection 1 may access the database *for no other purpose than to* ~~investigate~~ :

(a) *Investigate* a crime related to prescription drugs ~~and for no other purpose~~; or

(b) Upload information to the database pursuant to section 1.3 of this act.

5. The employer of a law enforcement officer who is provided access to the database of the computerized program pursuant to this section shall monitor the use of the database by the law enforcement officer and establish appropriate disciplinary action to take against an officer who violates the provisions of this section.

6. The Board or the Division may suspend or terminate access to the database of the computerized program pursuant to this section if a law enforcement officer or his or her employer violates any provision of this section.

7. As used in this section, "law enforcement officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 5. NRS 453.552 is hereby amended to read as follows:

453.552 1. Any penalty imposed for violation of NRS 453.011 to 453.551, inclusive, *and sections 1.3 and 1.6 of this act*, is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

2. Any violation of the provisions of NRS 453.011 to 453.551, inclusive, *and sections 1.3 and 1.6 of this act*, where no other penalty is specifically provided, is a misdemeanor.

Sec. 5.5. NRS 639.23507 is hereby amended to read as follows:

639.23507 1. A practitioner shall, before initiating a prescription for a controlled substance listed in schedule II, III or IV ~~or~~ *or an opioid that is a controlled substance listed in schedule V*, obtain a patient utilization report regarding the patient from the computerized program established by the Board and the Investigation Division of the Department of Public Safety pursuant to NRS 453.162 if:

(a) The patient is a new patient of the practitioner; or
(b) The prescription is for more than 7 days and is part of a new course of treatment for the patient.

➔ The practitioner shall review the patient utilization report to assess whether the prescription for the controlled substance is medically necessary.

2. If a practitioner who attempts to obtain a patient utilization report as required by subsection 1 fails to do so because the computerized program is unresponsive or otherwise unavailable, the practitioner:

(a) Shall be deemed to have complied with subsection 1 if the practitioner documents the attempt and failure in the medical record of the patient.

(b) Is not liable for the failure.

3. The Board shall adopt regulations to provide alternative methods of compliance with subsection 1 for a physician while he or she is providing service in a hospital emergency department. The regulations must include, without limitation, provisions that allow a hospital to designate members of hospital staff to act as delegates for the purposes of accessing the database of the computerized program and obtaining patient utilization reports from the computerized program on behalf of such a physician.

4. A practitioner who violates subsection 1:

(a) Is not guilty of a misdemeanor.

(b) May be subject to professional discipline if the appropriate professional licensing board determines that the practitioner's violation was intentional.

5. As used in this section, "initiating a prescription" means originating a new prescription for a new patient of a practitioner or originating a new prescription to begin a new course of treatment for an existing patient of a practitioner. The term does not include any act concerning an ongoing prescription that is written to continue a course of treatment for an existing patient of a practitioner.

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

Senator Ford moved the adoption of the amendment.

Remarks by Senator Ford.

Amendment No. 592 changes "reasonable suspicion," which is a phrase that is present in the current iteration of Senate Bill No. 59 to the phrase "probable cause."

Amendment adopted.

Senator Ford moved that all necessary rules be suspended, that the reprinting of the bill be dispensed with, and that the Secretary be authorized to insert Amendment No. 591 adopted by the Senate, and that the bill be placed on the General File and considered next.

Motion carried.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 59 requires law enforcement officers who encounter certain situations involving prescribed controlled substances or who receive a report of a stolen prescription for a controlled substance while acting in their official capacity in the regular course of an investigation to report certain information to their employer. A coroner, medical examiner or deputy thereof who determines a person died as the result of using a prescribed controlled substance must upload certain information to the database or report such information to someone who can upload it. The employer of a law enforcement officer, coroner or medical examiner who receives such a report must upload the report to the State's prescription-monitoring-program database as soon as practicable and may postpone uploading it if such action will interfere with an active criminal investigation. A law enforcement officer, coroner or medical examiner who makes a good-faith effort to comply with these requirements is immune from civil and criminal liability for any act or omission relating to the transmission of this information. Finally, the bill requires a practitioner to obtain a patient-utilization report from the database before initiating a prescription for an opioid that is a controlled substance listed in schedule V.

Roll call on Senate Bill No. 59:

YEAS—21.

NAYS—None.

Senate Bill No. 59 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 65.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 65 requires the Public Utilities Commission of Nevada (PUCN), in determining the adequacy of a utility's resource plan, to consider the measures and sources of supply that provide the greatest economic and environmental benefits to the customers of the electric utility. Any order of the PUCN accepting or modifying a utility's plan or amendment to such a plan that does not give preference to those measures and sources of supply must include the justification for not giving preference to those measures and sources of supply.

Roll call on Senate Bill No. 65:

YEAS—21.

NAYS—None.

Senate Bill No. 65 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 79.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 79 adds to the list of persons and entities authorized to request that certain personal information contained in the records of a county assessor, county recorder, the Secretary of State or a county or city clerk remain confidential. These persons include any senior justice or senior judge; any court-appointed master; any prosecutor; any State or county public defender; and the spouse, domestic partner or minor child of any of these people listed.

Additionally, a nonprofit entity that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that certain personal information remain confidential.

Similarly, the bill adds those persons and entities to the list of those authorized to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card.

Roll call on Senate Bill No. 79:

YEAS—21.

NAYS—None.

Senate Bill No. 79 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 84.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 84 reorganizes much of chapter 281A, "Ethics in Government", of the Nevada Revised Statutes and reenacts the provisions therein in a manner that separates procedures relating to the handling of advisory opinions from the ethics-complaint process. The measure also removes or repeals provisions relating to investigative panels and instead creates review panels that can approve deferral agreements, which are agreements entered into between the Executive Director and the subject of an ethics complaint. Under these agreements, if the public officer or employee complies with the terms and conditions of such agreements, such as additional training or other corrective action, that person would not be subject to a full hearing of the Commission on Ethics.

Senate Bill No. 84 also gives the Commission on Ethics additional remedial options, depending on the scope and severity of the ethics complaint, including the issuance of a public apology, confidential letter of caution, public reprimand or censure. In addition, S.B. No. 84 gives the Commission on Ethics jurisdiction over independent contractors who serve in positions that would

ordinarily be filled by public officers or employees. The measure expands provisions of the Code of Ethical Standards so that a public officer or employee cannot engage in certain unethical conduct when such conduct benefits his or her own private interests or the interests of another person with whom the public officer or employee has a commitment in a private capacity.

The measure eliminates the filing of annual disclosure statements as it relates to counseling or representing private persons before public agencies, and instead replaces this filing with a requirement that certain public officers or employees make a public disclosure on the record before any action may be taken by certain public agencies.

Finally, S.B. No. 84 revises existing "cooling off" restrictions relating to certain employment and clarifies that during the cooling-off period, the public officer or employee cannot seek, negotiate or enter into any such employment agreements even if such an agreement does not or will not become effective until after the cooling-off period.

Roll call on Senate Bill No. 84:

YEAS—21.

NAYS—None.

Senate Bill No. 84 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 101.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 101 prohibits any person other than a physician, physician assistant, dentist, registered nurse, advanced practice registered nurse or podiatric physician who has received training prescribed by the appropriate licensing board from injecting a neuromodulator derived from *Clostridium botulinum* or a biosimilar or bioequivalent of such a neuromodulator. The same prohibitions apply to injecting dermal or soft tissue fillers. Qualified health-care providers may inject such substances within their scope of practice and only in a medical facility or the office of an authorized medical professional. The bill provides penalties for violations and also authorizes applicable licensing boards to impose disciplinary action against licensees who violate these provisions.

Roll call on Senate Bill No. 101:

YEAS—21.

NAYS—None.

Senate Bill No. 101 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 107.

Bill read third time.

Remarks by Senators Segerblom, Hammond and Harris.

SENATOR SEGERBLOM:

Senate Bill No. 107 requires the Council to Establish Academic Standards for Public Schools to establish content and performance standards for ethnic and diversity studies in public high schools. It also authorizes high schools to offer, and students to enroll in, a course in ethnic and diversity studies.

SENATOR HAMMOND:

Are we only mandating that standards be developed by this Council with Senate Bill No. 107 and that the class is optional for the school, the district and the student?

SENATOR SEGERBLOM:

That is correct. It is discretionary with each district.

SENATOR HARRIS:

I am pleased to see this bill on the floor of the Senate today, and I congratulate my colleague from Senate District 3. Last Session, my colleague from Senate District 3 brought a similar bill, and I had the privilege of being one of its co-sponsors. As lawmakers, I believe we have a responsibility to put the structure in place for Nevada students to receive a meaningful and quality education. Some of the benefits of receiving a meaningful education include learning more about the world around you; learning about the contributions those from other cultures have made to better the world we live in, and having an opportunity to see your community and our society from someone else's point of view. As we make our deliberations as to what constitutes a meaningful education, I believe Senate Bill No. 107 will be a valuable tool. For these reasons, I will be supporting Senate Bill No. 107 and urge my colleagues to do the same.

Roll call on Senate Bill No. 107:

YEAS—21.

NAYS—None.

Senate Bill No. 107 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 122.

Bill read third time.

Remarks by Senator Cancela.

Senate Bill No. 122 establishes a program to award grants to local governmental entities and nonprofit organizations for the purpose of providing certain services related to family planning. Today, most family planning funds are distributed through the federal Title 10 program which was established by President Nixon in 1970. Regardless of what happens in Congress, we already have a health-provider shortage in Nevada. Senate Bill No. 122 allows Nevada to step up and begin addressing the needs of our State especially in our rural communities.

I would like to make sure that my colleagues are clear as to what family planning is, so I will read from the CDC guidelines to define it. It says that family planning services include contraceptive services for clients that want to prevent pregnancy and space births, pregnancy testing and counselling, assistance to achieve pregnancy, basic infertility services, STD services including HIV/AIDS and other preconception health services. STD, HIV and other preconception health services are considered family planning services because they improve women and men's health and can influence a person's ability to conceive or to have a healthy birth outcome.

There was an article last week from News 4 Nevada which described the crisis that we are facing in our State as it relates to the family-planning shortage, and I would like to read a few things from it. It indicates that, today, Las Vegas, Reno and Carson City all have Title 10 clinics, but there are also several rural facilities throughout the Silver State. Lovelock, Battle Mountain, Winnemucca, Ely, Panaca, Hawthorne, Yerington, Fallon, Tonopah, Pahrump and Elko all have clinics. Unfortunately, all of our urban clinics have been fully funded while our rural clinics have been severely underfunded. So much so, that, in Lyon County, there are four defunded clinics with three nurses, the two partially funded clinics in Nye County have two nurses, and every other clinic has one clinic with one nurse. Winnemucca and Lovelock share one nurse.

There is no question that we need to step up to the plate and make sure that these essential family-planning services are available to all of our communities in Nevada. I strongly urge my colleagues to vote in favor of Senate Bill No. 122.

Roll call on Senate Bill No. 122:

YEAS—12.

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

Senate Bill No. 122 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 144.

Bill read third time.

Remarks by Senators Spearman and Settelmeyer.

SENATOR SPEARMAN:

Senate Bill No. 144 makes numerous changes relating to voter registration, voting at the polls and voting technology. The measure extends the period during which a person may register to vote for a primary or general election until the last day of early voting for the election, which is the Friday before the election. The bill also permits people both to register and vote on the day of the election at a polling place that is specifically designated for that purpose. Only those sites so designated by the county must offer this "same day" voter registration. Unless all polling places in the county offer same day registration, the county must publish a list of sites designated for such registration and post the list on any bulletin board used for public notices.

The measure also provides for the "preregistration" of a person 17 years of age and older, if he or she meets the residency requirement for a qualified elector and will be 18 years of age by the next election. This preregistration may be updated in the same manner as a standard voter registration; however, a county clerk is not required to provide a sample ballot or other election materials to the preregistered voter until he or she is eligible to vote. The measure makes conforming changes relating to preregistration to provisions addressing military-overseas voting and provides that a voter, if eligible, may use the federal-postcard application to register to vote or request a military-overseas ballot, if the application is received no later than seven days prior to the election.

Senate Bill No. 144 also expands the hours of early voting in Clark and Washoe Counties to include early voting on every Sunday during the early voting period. These counties must also keep open until 8:00 p.m. any permanent early voting site that operates on Saturday and may include early voting on any federal holiday that falls within the early voting period. For election day voting, Senate Bill No. 144 authorizes the county election officer to establish one or more polling places where any person entitled to vote in the county by personal appearance may do so on election day. This practice is often referred to as "vote-center" style of voting. The measure sets forth the procedure by which a voter shall cast a ballot at a vote-center location, including signing the election roster, verifying his or her signature and confirming that the voter has not already voted in that election.

Finally, Senate Bill No. 144 requires the Secretary of State to create and maintain software for a mobile device that includes all information that is available on the Secretary of State's Internet website. The software must allow a person to submit electronically a voter-registration application, an absentee-ballot request or a military-overseas ballot.

SENATOR SETTELMAYER:

There are many aspects of this bill with which I agree such as allowing 17 year olds to "preregister" to vote; however, I am concerned with moving up the days within which an individual may register to vote to the Friday prior to an election. It may be problematic to verify the validity of someone's authenticity or ability to vote in an upcoming election within that timeframe. Section 11 contains the vote-center concept which several of us previously voted "no" on so I am still in opposition to Senate Bill No. 144.

Roll call on Senate Bill No. 144:

YEAS—12.

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

Senate Bill No. 144 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 146.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 146 requires an electric utility with an operating revenue of \$2.5 million or more to submit to the Public Utilities Commission of Nevada (PUCN), on or before July 1 of every third year, a plan to increase its supply of electricity or decrease the demands made on its system by its customers. Affiliated utilities that have an interconnected system for the transmission of electricity must file a joint plan on or before June 1, 2018, and on or before June 1 of every third year thereafter.

An electric utility must submit to the PUCN, on or before July 1, 2018, a distributed-resources plan as a part of the plan to increase its supply or decrease the demands on its system by its customers. The bill prescribes the minimum requirements of such a distributed-resources plan. The PUCN may accept a distributed-resources plan that complies with each of the minimum requirements after a hearing is held on the adequacy of the utility's resource plan.

Additionally, the measure increases from 180 days to 210 days the period by which the PUCN must issue an order approving or modifying any portion of a resource plan that does not relate to the energy-supply plan of the utility and increases from 135 days to 165 days the period the PUCN must issue an order accepting or modifying an amendment to such a plan.

Roll call on Senate Bill No. 146:

YEAS—21.

NAYS—None.

Senate Bill No. 146 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 150.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 150 requires the Public Utilities Commission of Nevada (PUCN) to establish each calendar year annual energy-savings goals for electric utilities resulting in the implementation of energy-efficiency programs. Each electric utility must implement an energy-efficiency plan that is cost-effective and designed to meet the goals for energy savings established by the PUCN. At least 5 percent of the expenditures related to energy-efficiency programs must be directed toward low-income customers of the utility. The measure authorizes the PUCN to remove financial disincentives that discourage an electric utility from implementing or promoting participation in energy efficiency and conservation programs by including a rate-adjustment mechanism.

I would like to add that there was a school from District 15 that was here about three weeks ago, and they came specifically to lobby for this bill. My colleague and I got an earful when we went to talk to the students. In fact, I think a couple of them will be challenging us for our jobs in the near future. I urge my colleagues to pass Senate Bill No. 150.

Roll call on Senate Bill No. 150:

YEAS—21.

NAYS—None.

Senate Bill No. 150 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 156.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 156 increases the age at which a child is required to be secured in a child-restraint system from less than 6 years of age to less than 8 years of age. It also removes the weight requirement and adds a height requirement for determining whether a child is required to be secured in a child-restraint system. The bill requires a child younger than 13 years of age, who is not otherwise required to be secured in a child-restraint system, to be secured in a safety belt in the back seat of the vehicle, except in certain circumstances. Additionally, the bill provides that it is a primary offense to fail to require a child who is older than 8 years of age to wear a seatbelt. Finally, Senate Bill No. 156 requires a parent or guardian of a child older than 8 years of age to be cited if the parent or guardian was present in, and not the driver of, a motor vehicle while the child was not wearing a safety belt.

Roll call on Senate Bill No. 156:

YEAS—14.

NAYS—Goicoechea, Gustavson, Hammond, Hardy, Kieckhefer, Roberson, Settlemeyer—7.

Senate Bill No. 156 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 175.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 175 requires the Governor to annually proclaim May 18 as "Asian Culture Day" in the State of Nevada. The proclamation must call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention of Nevada residents the important contributions of Asians and Asian-Americans to the State of Nevada and the United States of America.

Roll call on Senate Bill No. 175:

YEAS—21.

NAYS—None.

Senate Bill No. 175 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 236.

Bill read third time.

Remarks by Senators Segerblom, Gustavson and Hardy.

SENATOR SEGERBLOM:

Senate Bill No. 236 allows for local governments to provide for public use of marijuana. It does not require local government to do it; it does not require anyone to have public use, but it does permit them to if they want.

Clark County is already working on an ordinance based upon this law because they recognize that come July 1 when recreational marijuana is legal, there will be a need to have places where people can use it. The Governor is trying to get \$70 million in tax revenue from marijuana, and

most of that is going to come from tourism. Right now, tourists cannot come here and use it. All this does is authorize local government to make the decision to allow it or not. We always want the politicians closest to the voters to make those decisions, and that is what we are going to do with this bill. In Clark County, where the Las Vegas strip is, they are already moving forward on this issue. I urge the Body's support.

SENATOR GUSTAVSON:

Ballot Question 2 was an initiative passed by voters to give this Body the ability to regulate recreational marijuana. I do not believe the voters wanted us to regulate the substance in a manner that can be construed and uncontrolled. When Nevadans were casting their votes for Ballot Question 2, it was with their understanding that users who choose to partake would only be able to do so in the confines of their own residence. I cannot, in good conscience, vote in favor of Senate Bill No. 236. I am reminded that the majority of the counties that I represent voted against Ballot Question 2. Therefore, I will be voting "no" today.

SENATOR HARDY:

I think there is a substantial difference between a person who needs recreational marijuana and a person who wants recreational marijuana. I will be voting against Senate Bill No. 236.

SENATOR SEGERBLOM:

I appreciate my colleague from northern Nevada and how he mentioned that voters expected marijuana users to be using it in their home. The fact is that tourists do not have a home in Nevada, and this bill is designed to give them a place to use marijuana. We are trying to raise \$70 million dollars in tax revenue from them, so we need to give them some place to use it so that we can make that money.

Roll call on Senate Bill No. 236:

YEAS—12.

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

Senate Bill No. 236 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 253.

Bill read third time.

Remarks by Senators Cannizzaro, Hardy and Settlemeyer.

SENATOR CANNIZZARO:

I am pleased to stand in support of Senate Bill No. 253. I am proud of this piece of legislation, and I am hope we will be able to accomplish something important with this. Senate Bill No. 253 simply establishes the Nevada Pregnant Workers' Fairness Act, which provides protections to female employees who are pregnant while at work.

What I would like to note is that according to the 2011 Census, which I understand is a little bit older data, but of the Nevada women who became pregnant, 60 percent of them were part of the labor force. When we are talking about this legislation, we are talking about working mothers; we are talking about families, and we are talking about the people who work in our businesses, our schools and in our government every single day. What the Pregnant Workers' Fairness Act says is that if you are an employer who has 15 or more employees, if you have an employee who notifies you that they are pregnant and they request a reasonable accommodation, you have to try and work in that accommodation.

I have heard many comments and concerns about what constitutes a reasonable accommodation. A reasonable accommodation is something that is temporary for these workers. Of the number of employers that are subject to these same types of laws, these accommodations are typically at no cost. According to a survey by the Job Accommodation Network, which provides technical assistance to the Department of Labor's Office of Disability Employment, the

majority of employers who talked about providing these reasonable accommodations reported that they did not cost them any money. We are talking about a hostess at a front desk being allowed to sit on a stool from time to time or allowing an employee to take a reasonable restroom break or allowing them to have a bottle of water on the job so that they do not suffer from bladder infections or other complications. These are no cost to employers, and of those employers in that same study who reported a cost, the majority reported a cost of under \$500. This is not something that is overly burdensome on employers.

In addition, the amendments to this bill include that if it is an undue burden to an employer, they do not have to provide the accommodation. I am talking at length about this because I have worked extensively with our business community and all of the interested parties to come up with an amendment that will allow for this to apply to industries across the board. There is not a requirement for an employer to provide a particular accommodation to an employee if, because of the pregnancy, they are not able to fulfill a qualification of that employment. There are a lot of protections built in here for employers.

This is about the economic security of our families; it is about the economic security of working mothers. I know for myself that this is an important issue, as a professional woman when entering the workforce and thinking about my career. Most of my friends are of the age where they are considering whether or not they would like to have a family. I do not think that we should say "no" to legislation that can make it possible for women to say "I want to have a family, but I also worked really hard for my career and want to provide for my family. I can do both." This is an important part of that discussion, and I encourage my colleagues to vote for this measure.

SENATOR HARDY:

I rise in firm support of Senate Bill No. 253. We need to support families. We need to support the security of social security, of which I am a participant. We recognize that Europe has problems with the labor force in that they are not growing their own. We do need a population replacement because I am getting older, and we need younger people involved in this.

SENATOR SETTELMAYER:

I want to commend the Senator from District 6 for working with all of the interested parties on the amendments. I understand there may still be concerns related to applicants, but I feel strongly that she will work with the concerns on the other side in order to resolve them. I firmly support Senate Bill No. 253.

Roll call on Senate Bill No. 253:

YEAS—21.

NAYS—None.

Senate Bill No. 253 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 262.

Bill read third time.

Remarks by Senators Farley and Settelmeyer.

SENATOR FARLEY:

Senate Bill No. 262 requires payments made pursuant to a health-insurance policy for mental health or alcohol or drug abuse treatment be made directly to the provider of the treatment rather than to the person receiving the treatment. A licensed clinical alcohol and drug abuse counselor must be directly reimbursed for treatment relating to the abuse of alcohol or drugs. The measure allows a provider to refund a person receiving treatment any amounts that the person paid to the provider.

Senate Bill No. 262 is an important measure, covering only patients who are in treatment for addiction and mental health-related illnesses. The bill aims to protect people in this vulnerable state from harming themselves financially or physically as well as protect the organizations who

perform medical and mental health services to these Nevadans. It is simple, we are talking about people who have a compulsive disorder who are still in the early phases of treatment receiving large sums of money from the insurer that was legally assigned and owed to the provider who rendered services. When an insurance company fails to honor a legal assignment of benefits, a harmful circumstance is created for all the stakeholders when it comes to inpatient addiction and mental health. In the cases of the addict, the insurer has just provided significant funds to the individual whose fragile state is right for overdose. Second, the provider is left without compensation for services rendered or still being rendered. The insurance companies have cited NRS 689a.165 which clearly states that under Nevada law, a patient has the right to assign his or her benefits to the provider. This section of law also penalizes the insurer for paying an individual if the benefits have been legally assigned but not paid to the provider. The problem, or the loop hole, that Senate Bill No. 262 addresses can be found in NRS 689.100, which allows all benefits under the blanket or group health policy or contract must be payable to the person insured. Specifically, it is the may language in this NRS that Senate Bill No. 262 seeks to address. May at the insurers option pay the insured or the provider when the blanket or the group policy has been contracted.

Just as a note for the Body, Florida just passed a similar law that directs payments for hospitals in this fashion. Texas also passed a similar law, and this law is under consideration in California. Illinois has a policy now that does not allow the beneficiaries of drug, alcohol claims to receive payment. I believe that Nevada should now pass this law.

SENATOR SETTELMEYER:

I appreciate the my colleague from District 8 working out so many amendments. We wanted to make sure that individuals that actually paid the bill got the refund. I am still concerned that so many of the insurance programs are out-of-state and this unfortunately does not have an effect on them. I will support Senate Bill No. 262. I am hoping that we can try to figure out a way to make the out-of-state insurance companies also be responsible for this as well.

Roll call on Senate Bill No. 262:

YEAS—21.

NAYS—None.

Senate Bill No. 262 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 273.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 273 provides additional procedures for the dismissal of a probationary school-district employee. It requires a school-district superintendent to provide written notice to a probationary employee not less than 15 business days before filing with the school district board of trustees a recommendation to dismiss the employee. It also authorizes a probationary employee to request an expedited, nonbinding arbitration hearing that is limited in scope before a recommendation to dismiss is filed.

Following arbitration, if the superintendent files a recommendation to dismiss the employee, the board of trustees must determine at its next regularly scheduled meeting whether to accept this recommendation. The board of trustees must then provide written notice of its decision to the probationary employee; the decision is not subject to judicial review or appeal.

Roll call on Senate Bill No. 273:

YEAS—21.

NAYS—None.

Senate Bill No. 273 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 281.

Bill read third time.

Remarks by Senator Manendo.

Senate Bill No. 281 authorizes additional persons who, under certain circumstances, may receive a distribution of excess proceeds following the sale of property held in trust by the county treasurer when the taxes on the property are delinquent. The bill specifies that a unit-owners association of common-interest community, a unit-owners association of a condominium hotel or an owner of a unit of a condominium hotel may receive excess proceeds from the sale of property held in trust by the county treasurer under certain circumstances.

Roll call on Senate Bill No. 281:

YEAS—21.

NAYS—None.

Senate Bill No. 281 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 282.

Bill read third time.

Remarks by Senators Segerblom, Ford and Hardy.

SENATOR SEGERBLOM:

Senate Bill No. 282 revises provisions relating to rights of peace officers. In an administrative proceeding or civil action against a peace officer, if evidence was obtained in willful and intentional violation of the peace officer's rights, the evidence is inadmissible and the arbitrator, hearing officer or court shall exclude the evidence and enter an order ruling that the entire investigation is void and abated; mandating the removal of information relating to the investigation from the administrative file on the peace officer and dismissing the proceeding or action against the peace officer.

Finally, the bill prohibits, with certain exceptions, a law enforcement agency from keeping or making a record of any inadmissible evidence from an investigation that is abated pursuant to an order by an arbitrator, a hearing officer or the court.

SENATOR FORD:

I rise in support of Senate Bill No. 282. I do want to note that I think there are some issues that we will have to continue to work out on the other side. There are some differences of opinion on some of the concepts of the bill that are relative to interpretation, but I think that the overall concept is a good one, so I will be in support of the bill.

SENATOR HARDY:

I agree with the Majority Leader. I appreciate the work that was done in and around the Committee time. I like the language in Senate Bill No. 282 that talks about evidence that is obtained in a willful and intentional violation of the peace officer's rights. I believe in the 5th Amendment. I think there are some issues that can be worked on, but the message is that the Constitution still stands.

Roll call on Senate Bill No. 282:

YEAS—15.

NAYS—Goicoechea, Gustavson, Hammond, Kieckhefer, Roberson, Settlemeyer—6.

Senate Bill No. 282 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 287.

Bill read third time.

The following amendment was proposed by Senator Gansert:

Amendment No. 298.

SUMMARY—Revises provisions relating to the protection of children. (BDR 38-609)

AN ACT relating to protection of children; requiring school employees and volunteers to report the abuse or neglect of a child and certain other prohibited acts; requiring an agency which provides child welfare services to investigate such a report and forward a substantiated report to the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; authorizing a person to appeal the substantiation of such a report; revising certain provisions concerning background checks conducted on certain educational personnel and volunteers; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain persons, including, without limitation, licensed teachers and social workers employed by a public school or private school, to report the suspected abuse or neglect of a child when such neglect was believed to have been caused or allowed by a person responsible for a child's welfare. (NRS 432B.020, 432B.220) The term "person responsible for a child's welfare" is limited by existing law to a parent, legal guardian, stepparent or other adult person found in the same home as the child on a regular basis or a home, institution or facility where the child resides or receives care, including, without limitation, the volunteers and employees of such homes, institutions or facilities. (NRS 432B.130) Section 8 of this bill requires all employees of and volunteers for a public school or private school, regardless of whether they are licensed, to report the suspected abuse or neglect of a child by a person responsible for the child's welfare.

Existing law makes it a misdemeanor or gross misdemeanor for a person who is required to report the suspected abuse or neglect of a child to knowingly and willfully fail to make such a report. (NRS 432B.240) This penalty also applies to the failure to report by an employee of or volunteer for a public school or private school as expanded by section 8 of this bill.

Existing law prohibits sexual conduct between an employee or volunteer of a public school and certain pupils, the luring of a child and the use of corporal punishment in a public school. (NRS 201.540, 201.560, 392.4633) Section 44 of this bill imposes an additional duty on an employee or volunteer at a public or private school to make a report within 24 hours if, in that capacity, he or she knows or has reasonable cause to believe that a child has been subjected to abuse or neglect caused by a person other than a person responsible for the

welfare of the child, certain sexual conduct, luring or prohibited corporal punishment. Section 44 requires: (1) a report concerning abuse or neglect, sexual conduct or luring to be made to an agency which provides child welfare services and a law enforcement agency; and (2) a report concerning prohibited corporal punishment to be made to a child welfare agency. Section 44 requires a child welfare agency to investigate any such report it receives. Section 44 also requires a school police officer who receives a report of an offense punishable as a felony to notify the local law enforcement agency having jurisdiction over the school. If a law enforcement agency other than a school police officer receives a report of such an offense that allegedly occurred at a public school and involved a school employee or volunteer, the law enforcement agency must notify a school police officer if such an officer is employed in the school district. Section 45 of this bill prescribes the required contents of the report. Section 46 of this bill makes it a misdemeanor for an employee or volunteer at a school to fail to make a report when required. Sections 47 and 48 of this bill provide that certain privileges do not apply to a person required to make a report or to the report itself. Section 49 of this bill authorizes a designee of an agency investigating a report to take certain actions to investigate the report with the consent of the parent or guardian of the child. Section 50 of this bill provides that reports of abuse, neglect, sexual conduct, luring and prohibited corporal punishment and investigations of such reports are confidential and makes it a gross misdemeanor to disclose such information except where authorized to do so. Section 51 of this bill sets forth exceptions to such confidentiality that allow certain persons to access such material, including the child who is the subject of the report, his or her parent or guardian and attorney and certain governmental entities. Section 52 of this bill authorizes an agency investigating a report to provide certain information to the person alleged to have engaged in the conduct described in the report and the person who made the report. Section 52 also authorizes any person to consent to the release of information about himself or herself. Section 53 of this bill: (1) requires an agency which provides child welfare services to take precautions to protect the identity and safety of a person who makes a report when releasing information; and (2) authorizes such an agency to charge a fee for processing costs necessary to prepare information maintained by the agency. Section 54 of this bill provides that any person who is provided information maintained by an agency which provides child welfare services and further disseminates the information is guilty of a gross misdemeanor.

Section 55 of this bill requires an agency investigating a report to determine whether the report is substantiated or unsubstantiated. If the report is substantiated, the agency is required to forward the report to: (1) the Department of Education, the governing body of the school or school district, as applicable, and law enforcement; and (2) after the conclusion of any administrative appeal, the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. Section 56 of this bill prescribes the procedure for filing and hearing an administrative appeal.

Section 1.5 of this bill provides for the inclusion of such information in the Central Registry. Section 57 of this bill provides immunity from civil and criminal liability for a person who, in good faith, makes a report or takes certain action to investigate a report. Section 58 of this bill authorizes the Division of Child and Family Services of the Department of Health and Human Services to adopt any regulations necessary for the administration of provisions relating to the new reporting requirement prescribed by this bill. Section 7.3 of this bill provides that the provisions of existing law governing the requirement to report the abuse or neglect of a child by a person responsible for the welfare of the child do not apply to the new reporting requirement.

Under existing law, an unlicensed applicant for employment at a public school must undergo a background check before being hired. (NRS 388A.515, 388C.200, 391.104, 391.281) Additionally, a licensed employee must undergo a background check before a license can be issued or renewed. (NRS 391.033) Sections 27, 28, 33, 34 and 60 of this bill additionally require: (1) volunteers at a public school and employees and volunteers at a private school to undergo background checks; and (2) a background check to be performed on each unlicensed employee and volunteer at least once every 5 years. Section 21 of this bill requires the Central Repository to provide the results of such a background check to the appropriate superintendent, governing body or administrator immediately. Sections 27, 28, 31, 33, 34 and 60 of this bill also additionally require background checks performed on licensed and unlicensed educational personnel and volunteers to include information that may be available from the Central Registry or any equivalent registry maintained in another jurisdiction in which the person has resided within the immediately preceding 5 years. Sections 24, 27, 28, 31, 33, 34 and 60 of this bill authorize a school district, charter school, university school for profoundly gifted pupils or private school to: (1) cooperate with a law enforcement agency to obtain any available information on the background of an applicant, employee or volunteer; and (2) use information from the Central Registry in personnel decisions. Sections 27, 28, 31, 33, 34 and 60 provide that the Superintendent of Public Instruction, the board of trustees of a school district, the governing body of a charter school, university school for profoundly gifted pupils or private school and the administrator of a private school cannot be held liable for any damages resulting from such action. Section 28 provides that any provision of a collective bargaining agreement that prohibits a school district, charter school or university school for profoundly gifted pupils from taking such action is void.

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

Section 1. NRS 424.250 is hereby amended to read as follows:

424.250 1. A provider of foster care shall not use physical restraint on a child placed with the provider unless the child presents an imminent threat of danger of harm to himself or herself or others.

2. A foster care agency shall notify the licensing authority or its designee when any serious incident, accident, motor vehicle crash or injury occurs to a child in its care within 24 hours after the incident, accident, motor vehicle crash or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as practicable after notifying the licensing authority or its designee. The written report must include, without limitation, the date and time of the incident, accident, motor vehicle crash or injury, any action taken as a result of the incident, accident, motor vehicle crash or injury, the name of the employee of the foster care agency who completed the written report and the name of the employee of the licensing authority or its designee who was notified.

3. A foster care agency shall report any potential violation of the provisions of this chapter or any regulations adopted pursuant thereto relating to licensing to the licensing authority within 24 hours after an employee of the foster care agency becomes aware of the potential violation. A foster care agency shall cooperate with the licensing authority in its review of such reports and support each foster home with which the foster care agency has a contract for the placement of children in completing any action required to correct a violation.

4. A foster care agency shall fully comply with any investigation of a report of the abuse or neglect of a child pursuant to NRS 432B.220 ~~{}~~ or section 44 of this act.

Sec. 1.1. Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 and 1.3 of this act.

Sec. 1.2. *As used in NRS 432.0999 to 432.130, inclusive, of this act, the words and terms defined in NRS 432.0999 and section 1.3 of this act have the meanings ascribed to them in those sections.*

Sec. 1.3. *"Abuse or neglect of a child" has the meaning ascribed to it in section 37 of this act.*

Sec. 1.4. NRS 432.0999 is hereby amended to read as follows:

432.0999 ~~{As used in NRS 432.0999 to 432.130, inclusive,}~~ "Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 1.5. NRS 432.100 is hereby amended to read as follows:

432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by the Division.

2. The Central Registry must contain:

(a) The information in any substantiated report of child abuse or neglect made pursuant to NRS 432B.220 ~~{}~~ or section 44 of this act;

(b) *The information in any substantiated report of a violation of NRS 201.540, 201.560 or 392.4633 made pursuant to section 44 of this act;*

(c) Statistical information on the protective services provided in this State; and

~~{{(e)}}~~ (d) Any other information which the Division determines to be in furtherance of NRS 432.0999 to 432.130, inclusive, *and sections 1.2 and 1.3 of this act*, and 432B.010 to 432B.400, inclusive ~~[-]~~ , *and section 7.3 of this act, and sections 36 to 58, inclusive, of this act.*

3. The Division may release information contained in the Central Registry to an employer:

(a) If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and

(b) Either:

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his or her employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,

➡ but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by:

(a) An employee of the Division;

(b) An agency which provides child welfare services;

(c) An employee of the Division of Public and Behavioral Health of the Department who is obtaining information in accordance with NRS 432A.170; and

(d) With the approval of the Administrator, an employee or contractor of any other state or local governmental agency responsible for the welfare of children who requests access to the information and who demonstrates to the satisfaction of the Administrator a bona fide need to access the information. Any approval or denial of a request submitted in accordance with this paragraph is at the sole discretion of the Administrator.

Sec. 1.6. NRS 432.110 is hereby amended to read as follows:

432.110 1. Except as otherwise provided in subsection 2, the Division shall maintain a record of:

(a) The names and identifying data, dates and circumstances of any persons requesting or receiving information from the Central Registry; and

(b) Any other information which might be helpful in furthering the purposes of NRS 432.0999 to 432.130, inclusive, *and sections 1.2 and 1.3 of this act*, and 432B.010 to 432B.400, inclusive ~~[-]~~ , *and section 7.3 of this act, and sections 36 to 58, inclusive, of this act.*

2. The Division is not required to maintain a record of information concerning requests for information from or the receipt of information by employees of an agency which provides child welfare services.

Sec. 1.7. NRS 432.120 is hereby amended to read as follows:

432.120 1. Information contained in the Central Registry must not be released unless the right of the applicant to the information is confirmed, the information concerning the report of abuse or neglect of the child *or a violation of NRS 201.540, 201.560 or 392.4633*, has been reported pursuant to NRS 432B.310 ~~or~~ *or section 55 of this act, as applicable*, the released information discloses the disposition of the case and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of the background investigation provides written authorization for the release of the information.

2. The information contained in the Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services must be deleted from the Central Registry not later than 10 years after the child who is the subject of the report reaches the age of 18 years.

3. The Division shall adopt regulations to carry out the provisions of this section.

Sec. 1.8. NRS 432.130 is hereby amended to read as follows:

432.130 Any person who willfully releases data or information contained in the Central Registry to unauthorized persons in violation of NRS 432.120 or 432B.290 *or sections 51 to 54, inclusive, of this act* is guilty of a misdemeanor.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.3. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this section and NRS 432B.220 to 432B.320, inclusive, do not apply to any report submitted, investigation performed or information maintained under the provisions of sections 36 to 58, inclusive, of this act.

Sec. 7.7. NRS 432B.200 is hereby amended to read as follows:

432B.200 1. The Division of Child and Family Services shall establish and maintain a center with a toll-free telephone number to receive reports of abuse or neglect of a child in this State *and reports pursuant to section 44 of this act*, 24 hours a day, 7 days a week. Any reports made to this center must be promptly transmitted to the agency which provides child welfare services in the community where the child is located.

2. *As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in section 37 of this act.*

Sec. 8. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause

to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person ~~[working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.]~~ *employed by a public school or private school and any person who serves as a volunteer at such a school.*

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. *Before a person may serve as a volunteer at a public school or private school, the school must:*

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and section 44 of this act;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and section 44 of this act; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. *As used in this section:*

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

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

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 171.1223 is hereby amended to read as follows:

171.1223 1. Except as otherwise provided in subsection 3, in a county whose population is 100,000 or more, a peace officer with limited jurisdiction who witnesses a category A felony being committed or attempted in the officer's presence, or has reasonable cause for believing a person has committed or attempted to commit a category A felony in an area that is within the officer's jurisdiction, shall immediately notify the primary law enforcement

agency in the city or county, as appropriate, where the offense or attempted offense was committed.

2. Upon arrival of an officer from the primary law enforcement agency notified pursuant to subsection 1, a peace officer with limited jurisdiction shall immediately transfer the investigation of the offense or attempted offense to the primary law enforcement agency.

3. The provisions of subsection 1 do not:

(a) Apply to an offense or attempted offense that is a misdemeanor, gross misdemeanor or felony other than a category A felony;

(b) Apply to an officer of the Nevada Highway Patrol, a member of the police department of the Nevada System of Higher Education, an agent of the Investigation Division of the Department of Public Safety or a ranger of the Division of State Parks of the State Department of Conservation and Natural Resources;

(c) Apply to a peace officer with limited jurisdiction if an interlocal agreement between the officer's employer and the primary law enforcement agency in the city or county in which a category A felony was committed or attempted authorizes the peace officer with limited jurisdiction to respond to and investigate the felony without immediately notifying the primary law enforcement agency; or

(d) Prohibit a peace officer with limited jurisdiction from:

(1) Contacting a primary law enforcement agency for assistance with an offense that is a misdemeanor, gross misdemeanor or felony that is not a category A felony; or

(2) Responding to a category A felony until the appropriate primary law enforcement agency arrives at the location where the felony was allegedly committed or attempted, including, without limitation, taking any appropriate action to provide assistance to a victim of the felony, to apprehend the person suspected of committing or attempting to commit the felony, to secure the location where the felony was allegedly committed or attempted and to protect the life and safety of the peace officer and any other person present at that location.

4. As used in this section:

(a) "Peace officer with limited jurisdiction" means:

(1) A school police officer who is appointed or employed pursuant to subsection ~~{2}~~ 5 of NRS 391.281;

(2) An airport guard or police officer who is appointed pursuant to NRS 496.130;

(3) A person employed to provide police services for an airport authority created by a special act of the Legislature; and

(4) A marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125.

(b) "Primary law enforcement agency" means:

(1) A police department of an incorporated city;

(2) The sheriff's office of a county; or

(3) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.

Sec. 19. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

(a) Any prior criminal record of the defendant;

(b) Information concerning the characteristics of the defendant, the defendant's financial condition, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS *and sections 36 to 58, inclusive, of this act* that relate to the defendant and are made available pursuant to NRS 432B.290 ~~or~~ *or sections 51 to 54, inclusive, of this act, as applicable;*

(f) The results of the evaluation of the defendant conducted pursuant to NRS 484C.300, if such an evaluation is required pursuant to that section;

(g) A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;

(h) A recommendation, if the Division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176A.780;

(i) If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110; and

(j) Such other information as may be required by the court.

2. The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 20. NRS 176.151 is hereby amended to read as follows:

176.151 1. If a defendant pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, one or more

category E felonies, but no other felonies, the Division shall not make a presentence investigation and report on the defendant pursuant to NRS 176.135, unless the Division has not made a presentence investigation and report on the defendant pursuant to NRS 176.135 within the 5 years immediately preceding the date initially set for sentencing on the category E felony or felonies and:

- (a) The court requests a presentence investigation and report; or
- (b) The prosecuting attorney possesses evidence that would support a decision by the court to deny probation to the defendant pursuant to paragraph (b) of subsection 1 of NRS 176A.100.

2. If the Division does not make a presentence investigation and report on a defendant pursuant to subsection 1, the Division shall, not later than 45 days after the date on which the defendant is sentenced, make a general investigation and report on the defendant that contains:

- (a) Any prior criminal record of the defendant;
- (b) Information concerning the characteristics of the defendant, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful to persons responsible for the supervision or correctional treatment of the defendant;
- (c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination and the extent of the information included in the report is solely at the discretion of the Division;
- (d) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS *and sections 36 to 58, inclusive, of this act* that relate to the defendant and are made available pursuant to NRS 432B.290 ~~or~~ *or sections 51 to 54, inclusive, of this act, as applicable*; and
- (e) Any other information that the Division believes may be helpful to persons responsible for the supervision or correctional treatment of the defendant.

Sec. 21. NRS 179A.075 is hereby amended to read as follows:

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

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

- (a) Collect and maintain records, reports and compilations of statistical data required by the Department; and
- (b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

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

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

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

- (a) Collect, maintain and arrange all information submitted to it relating to:
 - (1) Records of criminal history; and
 - (2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.
- (b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.
- (c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.
- (d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

5. The Division may:

- (a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;
- (b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and
- (c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:
 - (1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;
 - (2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

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

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

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

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

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

- (1) Booking the person into a city or county jail or detention facility;
- (2) Employment;
- (3) Contractual services; or
- (4) Services related to occupational licensing;

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

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

- (1) Arrest; or
- (2) Criminal investigation,

↪ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

7. The Central Repository shall:

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

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

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

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

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

(2) Has applied to a county school district, charter school or private school for employment ~~to~~ *or to serve as a volunteer*; or

(3) Is employed by *or volunteers for* a county school district, charter school or private school,

↪ and *immediately* notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been

convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

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

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

(2) Employed by *or volunteering for* a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

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

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

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

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

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

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

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

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

8. The Central Repository may:

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

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

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

9. As used in this section:

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

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

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

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

(2) A biometric identifier of a person.

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

Sec. 22. NRS 202.888 is hereby amended to read as follows:

202.888 The provisions of NRS 202.882 do not apply to a person who:

1. Is less than 16 years of age;

2. Is, by blood or marriage, the spouse, brother, sister, parent, grandparent, child or grandchild of:

(a) The child who is the victim of the violent or sexual offense; or

(b) The person who committed the violent or sexual offense against the child;

3. Suffers from a mental or physical impairment or disability that, in light of all the surrounding facts and circumstances, would make it impracticable for the person to report the commission of the violent or sexual offense against the child to a law enforcement agency;

4. Knows or has reasonable cause to believe that reporting the violent or sexual offense against the child to a law enforcement agency would place the person or any other person who is related to him or her by blood or marriage or who resides in the same household as he or she resides, whether or not the

other person is related to him or her by blood or marriage, in imminent danger of suffering substantial bodily harm;

5. Became aware of the violent or sexual offense against the child through a communication or proceeding that is protected by a privilege set forth in chapter 49 of NRS; or

6. Is acting in his or her professional or occupational capacity and is required to report the abuse or neglect of a child pursuant to NRS 432B.220 ~~or section 44 of this act.~~

Sec. 23. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407,

463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600 $\frac{1}{2}$ and sections 50 to 54, inclusive, of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 24. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

- (a) Salary or wage rates or other forms of direct monetary compensation.
- (b) Sick leave.
- (c) Vacation leave.
- (d) Holidays.
- (e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.
- (f) Insurance benefits.
- (g) Total hours of work required of an employee on each workday or workweek.
- (h) Total number of days' work required of an employee in a work year.
- (i) Except as otherwise provided in ~~subsection~~ subsections 6 ~~and~~ 10, discharge and disciplinary procedures.
- (j) Recognition clause.
- (k) The method used to classify employees in the bargaining unit.
- (l) Deduction of dues for the recognized employee organization.
- (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
- (n) No-strike provisions consistent with the provisions of this chapter.
- (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
- (p) General savings clauses.
- (q) Duration of collective bargaining agreements.
- (r) Safety of the employee.
- (s) Teacher preparation time.
- (t) Materials and supplies for classrooms.

(u) Except as otherwise provided in subsections 7 , ~~and 9~~ ~~[]~~ and 10, the policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner

in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➡ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

7. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

8. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 7 is unenforceable and void.

9. The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.

10. *The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any*

agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is void.

11. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~{11}~~ 12. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

~~{12}~~ 13. As used in this section ~~[-,"achievement"]~~ :

(a) "Abuse or neglect of a child" has the meaning ascribed to it in section 37 of this act.

(b) "Achievement charter school" has the meaning ascribed to it in NRS 385.007.

Sec. 25. NRS 289.190 is hereby amended to read as follows:

289.190 1. A person employed or appointed to serve as a school police officer pursuant to subsection ~~{2}~~ 5 of NRS 391.281 has the powers of a peace officer. A school police officer shall perform the officer's duties in compliance with the provisions of NRS 171.1223.

2. A person appointed pursuant to NRS 393.0718 by the board of trustees of any school district has the powers of a peace officer to carry out the intents and purposes of NRS 393.071 to 393.0719, inclusive.

3. Members of every board of trustees of a school district, superintendents of schools, principals and teachers have concurrent power with peace officers for the protection of children in school and on the way to and from school, and for the enforcement of order and discipline among such children, including children who attend school within one school district but reside in an adjoining school district or adjoining state, pursuant to the provisions of chapter 392 of NRS. This subsection must not be construed so as to make it the duty of superintendents of schools, principals and teachers to supervise the conduct of children while not on the school property.

Sec. 26. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220 ~~or section 44 of this act.~~

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100 or 391.281;

(2) The governing body of a charter school; or

(3) The Achievement School District.

(c) "School official" means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

(4) The Executive Director of the Achievement School District.

(d) "Teacher" means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 27. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with *and employee at a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and each volunteer at a charter school who is likely to have unsupervised or regular contact with pupils, must, ~~as a condition to~~ before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the charter school ~~to~~* :

(a) A complete set of the applicant's, *employee's or volunteer's* fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, *employee or volunteer* and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~or~~, *employee or volunteer; and*

(b) *Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any*

equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. *In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.*

3. *If the ~~reports on the criminal history of an applicant indicate~~ information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school may employ the applicant ~~or~~*

~~3.] or employee or accept the volunteer, as applicable.~~

4. *If ~~a report on the criminal history of an applicant~~ the information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does not disqualify the applicant or employee from ~~further consideration of~~ employment or the volunteer from serving as a volunteer on the basis of that ~~report~~ information, the governing body shall, upon the written authorization of the applicant, employee or volunteer, forward a copy of the ~~report~~ information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the ~~report~~ information pursuant to this subsection, the charter school shall not employ the applicant ~~or~~*

~~4.] or employee or accept the volunteer, as applicable.~~

5. *The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~report~~ information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the charter school for which the applicant has applied ~~or if the applicant desires employment with the charter school, the~~ or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant ~~or~~ or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant and to the governing body of the charter school.*

~~{5-}~~ 6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, *employee or volunteer* is related to the position with the charter school for which the applicant has applied ~~{-}~~ or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school shall not employ the applicant ~~{-}~~ or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, *employee or volunteer* is unrelated to the position with the charter school for which the applicant has applied ~~{-}~~ or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school may employ the applicant or employee for that position ~~{-}~~ or accept the volunteer, as applicable.

7. *The governing body of a charter school may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:*

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. *The governing body of a charter school:*

(a) May accept gifts, grants and donations to carry out the provisions of this section.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7.

Sec. 28. NRS 388C.200 is hereby amended to read as follows:

388C.200 1. Each applicant for employment with *and employee at a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and each volunteer at a university school for profoundly gifted pupils who is likely to have regular or unsupervised contact with pupils, must, ~~as a condition to~~* before beginning his or her employment ~~{-}~~ or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the university school ~~{a}~~ :

(a) A complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~{-}~~, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning

the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. *In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a university school for profoundly gifted pupils may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.*

3. *If the ~~reports on the criminal history of an applicant indicate~~ information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant ~~or~~ ~~3.~~ or employee or accept the volunteer, as applicable.*

4. *If ~~a report on the criminal history of an applicant~~ the information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant or employee from ~~further consideration of~~ employment or the volunteer from serving as a volunteer on the basis of that report, the governing body shall, upon the written authorization of the applicant, employee or volunteer forward a copy of the ~~report~~ information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant ~~or~~ ~~4.~~ or employee or accept the volunteer, as applicable.*

5. *The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~report~~ information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied ~~. If the applicant desires employment with the university school, the~~ or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the university school desires to employ the applicant ~~or~~ ~~or employee or accept the volunteer~~, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the*

Superintendent's designee shall provide written notice of the determination to the applicant , *employee or volunteer* and to the governing body of the university school.

~~{5.}~~ 6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant , *employee or volunteer* is related to the position with the university school for profoundly gifted pupils for which the applicant has applied ~~{}~~ *or in which the employee is employed or the volunteer wishes to serve*, the governing body of the university school shall not employ the applicant ~~{}~~ *or employee or accept the volunteer, as applicable*. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant , *employee or volunteer* is unrelated to the position with the university school for which the applicant has applied ~~{}~~ *or in which the employee is employed or the volunteer wishes to serve*, the governing body of the university school may employ the applicant *or employee* for that position ~~{}~~ *or accept the volunteer, as applicable*.

7. *The governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:*

(a) *In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and*

(b) *In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.*

8. *The governing body of a university school for profoundly gifted pupils:*

(a) *May accept any gifts, grants and donations to carry out the provisions of this section.*

(b) *May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7.*

Sec. 29. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

"Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 30. NRS 391.002 is hereby amended to read as follows:

391.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 391.005 and 391.008 *and section 29 of this act* have the meanings ascribed to them in those sections.

Sec. 31. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application ~~the~~ :

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~the~~; and

(b) *Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.*

4. *In conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.*

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

~~5.1~~ 6. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) ~~The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History;~~ information obtained by the Superintendent pursuant to subsections 3 and 4:

(1) ~~Does~~ Does not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) ~~Indicate~~ Indicates that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. *The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private*

school where the applicant is employed or seeking employment. The board of trustees, governing body or administrator, as applicable, may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. *The Superintendent, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school may not be held liable for damages resulting from any action of the Superintendent, board of trustees, governing body or administrator, as applicable, authorized by subsection 4 or 7.*

Sec. 32. NRS 391.035 is hereby amended to read as follows:

391.035 1. Except as otherwise provided in NRS 239.0115 ~~and~~ 391.033, an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

(a) The applicant's health records;

(b) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History ~~and~~ *or information from the Statewide Central Registry or any equivalent registry maintained by a governmental agency in another jurisdiction;*

(c) Transcripts of the applicant's records at colleges or other educational institutions;

(d) The applicant's scores on the examinations administered pursuant to the regulations adopted by the Commission;

(e) Any correspondence concerning the application; and

(f) Any other personal information,

➤ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection 7 of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for inspection by the applicant during regular business hours.

Sec. 33. NRS 391.104 is hereby amended to read as follows:

391.104 1. Each applicant for employment pursuant to NRS 391.100 ~~and~~ *or employee*, except a teacher or other person licensed by the Superintendent of Public Instruction, *or volunteer who is likely to have unsupervised or regular contact with pupils*, must, ~~as a condition to~~ before beginning his or

her employment ~~{-}~~ or service as a volunteer and at least once every 5 years thereafter, submit to the school district ~~{a}~~ :

(a) A full set of the applicant's , employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant , employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~{-}~~ , employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection ~~{3-}~~ 5, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➡ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

~~{3-}~~ 5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. *The board of trustees of a school district:*

(a) *May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.*

(b) *May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.*

Sec. 34. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment *or appointment* pursuant to this section ~~{-}~~ *or employee*, except a teacher or other person licensed by the Superintendent of Public Instruction, must, ~~{as a condition to}~~ *before beginning his or her employment {-} or appointment and at least once every 5 years thereafter*, submit to the school district ~~{a}~~ :

(a) A full set of the applicant's *or employee's* fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant *or employee* and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~{-}~~ *or employee*.

(b) *Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.*

2. *In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.*

3. *The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:*

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. *The board of trustees of a school district:*

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection ~~{3}~~ 6 or ~~{4}~~ 7 shall be deemed school police officers.

~~{3}~~ 6. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

~~{4}~~ 7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation,

in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

Sec. 35. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 58, inclusive, of this act.

Sec. 36. *As used in sections 36 to 58, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 37 to 42, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 37. *"Abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020, but includes abuse or neglect caused by a person who is not responsible for the welfare of the child pursuant to NRS 432B.130.*

Sec. 38. *"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.*

Sec. 39. *"Central Registry" has the meaning ascribed to it in NRS 432.0999.*

Sec. 40. *"Child" means a person under the age of 18 years or, if a pupil, until graduation from high school. The term does not include a child who remains under the jurisdiction of the court pursuant to NRS 432B.594.*

Sec. 41. *"Information maintained by an agency which provides child welfare services" means data or information concerning reports and investigations made pursuant to sections 36 to 58, inclusive, of this act, including, without limitation, the name, address, date of birth, social security number and the image or likeness of any child, family member of any child and reporting party or source, whether primary or collateral.*

Sec. 41.3. *"Law enforcement agency" means an agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law. The term includes, without limitation, a school police officer, and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency.*

Sec. 41.5. *"Local law enforcement agency" means:*

- 1. The sheriff's office of a county;*
- 2. A metropolitan police department; or*
- 3. A police department of an incorporated city.*

Sec. 42. *"Private school" has the meaning ascribed to it in NRS 394.103.*

Sec. 43. *For the purposes of sections 36 to 58, inclusive, of this act, a person:*

- 1. Has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.*

- 2. Acts "as soon as reasonably practicable" if, in light of all the surrounding facts and circumstances which are known or which reasonably*

should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

Sec. 44. 1. In addition to the reporting required by NRS 432B.220, if, in his or her capacity as an employee of or volunteer for a public school or private school, such an employee or volunteer knows or has reasonable cause to believe that a child has been subjected to:

(a) Abuse or neglect, sexual conduct in violation of NRS 201.540 or luring in violation of NRS 201.560, the employee or volunteer shall report the abuse or neglect, sexual conduct or luring to the agency which provides child welfare services in the county in which the school is located and a law enforcement agency.

(b) Corporal punishment in violation of NRS 392.4633, the employee or volunteer shall report the corporal punishment to the agency which provides child welfare services in the county in which the school is located.

2. A report pursuant to subsection 1 must be made as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been subjected to abuse or neglect or a violation of NRS 201.540, 201.560 or 392.4633.

3. If a law enforcement agency that receives a report pursuant to paragraph (a) of subsection 1 concludes that there is not probable cause to believe that the person allegedly responsible for the abuse or neglect or who allegedly violated NRS 201.540 or 201.560 committed the act of which he or she is accused, the law enforcement agency shall notify the agency which provides child welfare services of that determination.

4. If a school police officer receives a report pursuant to this section of an offense that is punishable as a felony, the school police officer shall notify the local law enforcement agency that has jurisdiction over the school.

5. If a law enforcement agency, other than a school police officer, receives a report pursuant to this section of an offense that is punishable as a felony and allegedly occurred at a public school for which the board of trustees of the school district has employed or appointed school police officers or was allegedly committed by an employee or volunteer of such a school, the local law enforcement agency shall notify a school police officer.

6. An agency which provides child welfare services shall investigate the allegations contained in any report made pursuant to this section.

~~§ 7.~~ 7. Nothing in sections 36 to 58, inclusive, of this act shall be construed to prohibit an agency which provides child welfare services and a law enforcement agency from undertaking simultaneous investigations of the abuse or neglect of a child or a violation of NRS 201.540 or 201.560.

~~[6. As used in this section, "law enforcement agency" means an agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency, but does not include a school police officer.]~~

Sec. 45. 1. A person may make a report pursuant to section 44 of this act by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.

2. The report must contain the following information, if obtainable and to the extent applicable:

(a) The name, address, age and sex of the child and the school in which the child is enrolled;

(b) The name and address of the child's parents or other person responsible for the care of the child;

(c) The nature and extent of the abuse or neglect of the child or the sexual conduct, luring or corporal punishment to which the child was subjected;

(d) The name, address and relationship, if known, of the person who is alleged to have abused or neglected, engaged in sexual contact with, lured or administered corporal punishment to, the child; and

(e) Any other information known to the person making the report that the agency which provides child welfare services considers necessary.

Sec. 46. Any person who knowingly and willfully violates the provisions of section 44 of this act is guilty of:

1. For the first violation, a misdemeanor.

2. For each subsequent violation, a gross misdemeanor.

Sec. 47. Any person who is required to make a report pursuant to section 44 of this act may not invoke any of the privileges set forth in chapter 49 of NRS:

1. For failure to make a report pursuant to section 44 of this act;

2. In cooperating with an agency which provides child welfare services;

or

3. In any proceeding held pursuant to sections 36 to 58, inclusive, of this act.

Sec. 48. In any proceeding resulting from a report made or action taken pursuant to the provisions of sections 44 or 45 of this act or in any proceeding where the report or the contents thereof is sought to be introduced in evidence, the report or contents or any other fact or facts related thereto or to the condition of the child who is the subject of the report must not be excluded on the ground that the matter would otherwise be privileged against disclosure under chapter 49 of NRS.

Sec. 49. 1. A designee of an agency investigating a report made pursuant to section 44 of this act may, with the consent of the parent or guardian of the child who is the subject of the report, interview the child and any sibling of the child, if an interview is deemed appropriate by the designee, concerning the allegations contained in the report. A designee who conducts

an interview pursuant to this subsection must be trained adequately to interview children.

2. A designee of an agency investigating a report made pursuant to section 44 of this act may, with the consent of the parent or guardian of a child who is the subject of the report:

(a) Take or cause to be taken photographs of the child's body, including any areas of trauma; and

(b) If indicated after consultation with a physician, cause X-rays or medical tests to be performed on the child.

3. The reasonable cost of any photographs or X-rays taken or medical tests performed pursuant to subsection 2 must be paid by the agency which provides child welfare services if money is not otherwise available.

4. Any photographs or X-rays taken or records of any medical tests performed pursuant to subsection 2, or any medical records relating to the examination or treatment of a child pursuant to this section, or copies thereof, must be sent to the agency which provides child welfare services, any law enforcement agency participating in the investigation of the report and the prosecuting attorney's office. Each photograph, X-ray, result of a medical test or other medical record:

(a) Must be accompanied by a statement or certificate signed by the custodian of medical records of the health care facility where the photograph or X-ray was taken or the treatment, examination or medical test was performed, indicating:

(1) The name of the child;

(2) The name and address of the person who took the photograph or X-ray, performed the medical test, or examined or treated the child; and

(3) The date on which the photograph or X-ray was taken or the treatment, examination or medical test was performed;

(b) Is admissible in any proceeding relating to the allegations in the report made pursuant to section 44 of this act; and

(c) May be given to the child's parent or guardian if the parent or guardian pays the cost of duplicating them.

5. As used in this section, "medical test" means any test performed by or caused to be performed by a provider of health care, including, without limitation, a computerized axial tomography scan and magnetic resonance imaging.

Sec. 50. 1. Except as otherwise provided in NRS 239.0115 and sections 51 to 55, inclusive, of this act, information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act is confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases or disseminates such information, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) As otherwise authorized pursuant to NRS 432B.165 and 432B.175;

(c) As otherwise authorized or required pursuant to NRS 432B.290;
(d) As otherwise authorized or required pursuant to NRS 439.538;
(e) As otherwise required pursuant to NRS 432B.513; or
(f) As otherwise authorized or required pursuant to sections 51 to 55, inclusive, of this act.

➡ is guilty of a gross misdemeanor.

Sec. 51. Except as otherwise provided in sections 51 to 54, inclusive, of this act, information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act may, at the discretion of the agency which provides child welfare services, be made available only to:

1. The child who is the subject of the report, the parent or guardian of the child and an attorney for the child or the parent or guardian of the child, if the identity of the person responsible for reporting the abuse or neglect of the child or the violation of NRS 201.540, 201.560 or 392.4633 to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

2. A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected or subject to a violation of NRS 201.540, 201.560 or 392.4633;

3. An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care or treatment or supervision of the child or investigate the allegations in the report;

4. A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the conduct alleged in the report;

5. A court, other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

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

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

8. A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect and violations of NRS 201.540, 201.560 or 392.4633 or similar statutes in another jurisdiction;

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

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

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

- (a) The identity of the person making the report is kept confidential; and
- (b) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have engaged in the conduct described in the report;

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

13. A public school, private school, school district or governing body of a charter school or private school in this State or any other jurisdiction that employs a person named in the report, allows such a person to serve as a volunteer or is considering employing such a person or accepting such a person as a volunteer;

14. The school attended by the child who is the subject of the report and the board of trustees of the school district in which the school is located or the governing body of the school, as applicable;

15. An employer in accordance with subsection 3 of NRS 432.100; and

16. The Committee to Review Suicide Fatalities created by NRS 439.5104.

Sec. 52. 1. An agency which provides child welfare services investigating a report made pursuant to section 44 of this act shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of a child or violating the provisions of NRS 201.540, 201.560 or 392.4633:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person; or

(b) A written summary of the allegations made against the person. The summary must not identify the person who made the report or any collateral sources and reporting parties.

2. A person may authorize the release of information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act about himself or herself, but may not waive the confidentiality of such information concerning any other person.

3. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the allegations in a report made pursuant to section 44 of this act to the person who made the report.

Sec. 53. 1. Information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act must be

maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Before releasing any information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who makes a report pursuant to section 44 of this act and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the allegations in the report or the life or safety of any person.

3. The provisions of sections 51 to 54, inclusive, of this act must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

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

5. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of sections 51 to 54, inclusive, of this act.

Sec. 54. 1. Except as otherwise provided in sections 51 to 54, inclusive, of this act, any person who is provided with information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This section does not apply to:

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

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

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

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

Sec. 55. 1. An agency which provides child welfare services investigating a report made pursuant to section 44 of this act shall, upon completing the investigation, determine whether the report is substantiated or unsubstantiated.

2. *If the report is substantiated, the agency shall:*

(a) *Forward the report to the Department of Education, the board of trustees of the school district in which the school is located or the governing body of the charter school or private school, as applicable, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.*

(b) *Provide written notification to the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560 or 392.4633 which includes statements indicating that:*

(1) *The report made against the person has been substantiated and the agency which provides child welfare services intends to place the person's name in the Central Registry pursuant to paragraph (a); and*

(2) *The person may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within the time required by section 56 of this act.*

(c) *After the conclusion of any administrative appeal pursuant to section 56 of this act or the expiration of the time period prescribed by that section for requesting an administrative appeal, whichever is later, report to the Central Registry:*

(1) *Identifying and demographic information on the child who is the subject of the report, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the conduct alleged in the report;*

(2) *The facts of the alleged conduct, including the date and type of alleged conduct, a description of the alleged conduct, the severity of any injuries and, if applicable, any information concerning the death of the child; and*

(3) *The disposition of the case.*

Sec. 56. 1. *A person to whom a written notification is sent pursuant to section 55 of this act may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within 15 days after the date on which the agency sends the written notification required by section 55 of this act.*

2. *Except as otherwise provided in subsection 3, if an agency which provides child welfare services receives a timely request for an administrative appeal pursuant to subsection 1, a hearing before a hearing officer must be held in accordance with chapter 233B of NRS.*

3. *If a timely request for an administrative appeal is not submitted pursuant to subsection 1, the agency which provides child welfare services shall place the person's name in the Central Registry pursuant to section 55 of this act.*

4. *If the hearing officer in a hearing held pursuant to this section:*

(a) Affirms the substantiation of the report, the agency which provides child welfare services shall place the person's name in the Central Registry pursuant to section 55 of this act.

(b) Rejects the substantiation of the report, the agency which provides child welfare services shall not place the person's name in the Central Registry pursuant to section 55 of this act.

5. The decision of a hearing officer in a hearing held pursuant to this section is a final decision for the purposes of judicial review.

Sec. 57. 1. Immunity from civil or criminal liability extends to every person who in good faith:

(a) Makes a report pursuant to section 44 of this act;

(b) Conducts an interview or allows an interview to be taken pursuant to section 49 of this act;

(c) Allows or takes photographs or X-rays pursuant to section 49 of this act;

(d) Causes a medical test to be performed pursuant to section 49 of this act;

(e) Provides a record, or a copy thereof, of a medical test performed pursuant to section 49 of this act to an agency which provides child welfare services to the child, a law enforcement agency that participated in the investigation of the report made pursuant to section 44 of this act or the prosecuting attorney's office; or

(f) Participates in a judicial proceeding resulting from a report made pursuant to section 44 of this act.

2. In any proceeding to impose liability against a person for:

(a) Making a report pursuant to section 44 of this act; or

(b) Performing any act set forth in paragraphs (b) to (f), inclusive, of subsection 1,

↪ there is a presumption that the person acted in good faith.

Sec. 58. The Division of Child and Family Services of the Department of Health and Human Services may, in consultation with each agency which provides child welfare services, adopt any regulations necessary for the administration of sections 36 to 58, inclusive, of this act.

Sec. 59. NRS 392.4633 is hereby amended to read as follows:

392.4633 1. Corporal punishment must not be administered upon a pupil in any public school.

2. Subsection 1 does not prohibit any ~~{teacher, principal or other licensed}~~ person from defending himself or herself if attacked by a pupil.

3. ~~{A person may report the use of corporal punishment on a pupil to the agency which provides child welfare services in the county in which the school district is located. If the agency determines that the complaint is substantiated, the agency shall forward the complaint to the Department, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.~~

~~—4.—~~ As used in this section ~~{~~

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

~~—(b) "Corporal"~~, "corporal punishment" means the intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:

~~{{(1)}} (a) To quell a disturbance that threatens physical injury to any person or the destruction of property;~~

~~{{(2)}} (b) To obtain possession of a weapon or other dangerous object within a pupil's control;~~

~~{{(3)}} (c) For the purpose of self-defense or the defense of another person;~~
or

~~{{(4)}} (d) To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.~~

Sec. 60. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised or regular contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school:*

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the administrator to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. *The administrator of the private school shall:*

(a) Submit the fingerprints of the applicant to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the administrator deems necessary; and

(b) Request any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

3. *In conducting an investigation into the criminal history of an applicant, employee or volunteer, the administrator of a private school may cooperate*

with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants or applications for protective orders.

4. The administrator or governing body of a private school may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

5. The administrator or governing body of a private school may not be held liable for damages resulting from taking any action authorized by subsection 3 or 4.

Sec. 61. NRS 394.177 is hereby amended to read as follows:

394.177 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220 ~~or~~ *or section 44 of this act.*

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person, other than a school official, who is employed by a private school.

(c) "School official" means:

(1) An owner of a private school.

(2) A director of a private school.

(3) A supervisor at a private school.

(4) An administrator at a private school.

(d) "Teacher" means a person employed by a private school to provide instruction and other educational services to pupils enrolled in the private school.

Sec. 62. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to 394.550, inclusive, *and section 60 of this act* is guilty of a gross misdemeanor. Each day's failure to comply with the provisions of these sections is a separate offense.

Sec. 63. The provisions of NRS 288.150, as amended by section 24 of this act:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after July 1, 2017, and any provision of the agreement that is in conflict with that section, as amended, is void.

2. Do not apply to any collective bargaining agreement entered into before July 1, 2017.

Sec. 64. 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. 65. This act becomes effective on July 1, 2017.

Senator Gansert moved the adoption of the amendment.

Remarks by Senator Gansert.

Amendment No. 298 revises the provisions of Senate Bill No. 287 by replacing most of the bill with a new approach to protect children. The amendment requires school employees and volunteers to report the abuse or neglect of a child and certain other prohibited acts.

It requires an agency that provides child-welfare services to investigate such reports and to forward substantiated reports to the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. In addition, the amendment authorizes a person to appeal the substantiation of such a report and revises certain provisions concerning background checks conducted on certain educational personnel and volunteers.

Amendment adopted.

Senator Gansert moved that all necessary rules be suspended, that the reprinting of the bill be dispensed with, and that the Secretary be authorized to insert Amendment No. 298 adopted by the Senate, and that the bill be placed on the General File and considered next.

Motion carried.

Bill read third time.

Remarks by Senator Gansert.

Senate Bill No. 287 requires employees and volunteers of public and private schools to report certain information regarding abuse, neglect and certain other prohibited acts against a child.

The bill requires all employees of and volunteers for a public or private school, regardless of whether they are licensed, to report suspect abuse or neglect of a child by a person responsible for the child's welfare. In addition, employees and volunteers must also make a report within 24 hours if, in that capacity, they know or have reasonable cause to believe that a child has been subjected to certain sexual conduct, luring, prohibited corporal punishment or abuse or neglect caused by a person other than a person responsible for the welfare of the child. Reports must be made to an agency that provides child welfare services and/or a law enforcement agency, as appropriate, and such reports must be investigated. Failure to report is a misdemeanor or gross misdemeanor.

Reports and investigations of abuse, neglect, sexual conduct, luring and prohibited corporal punishment are confidential. If a report is substantiated, the investigating agency must forward the report to the Department of Education, the governing body of the school or the school district, law enforcement and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child.

Senate Bill No. 287 also requires volunteers at public schools and employees and volunteers at private schools to undergo certain background checks. The bill authorizes certain information obtained by background checks to be used in making personnel decisions.

Roll call on Senate Bill No. 287:

YEAS—21.

NAYS—None.

Senate Bill No. 287 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 314.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 314 deletes the provision that specifies that the governing body of a city or county may impose reasonable restrictions on the use of a system for obtaining wind energy that are related to the height of the system. Instead, a governing body of a city or county is not precluded from denying an application for a permit for the installation of a system for obtaining wind energy if it determines, based on the size, height or configuration of the system, that installation of the system represents a danger to the health, safety or welfare of the public or is not compatible with the character of the area in which the system is located.

Roll call on Senate Bill No. 314:

YEAS—21.

NAYS—None.

Senate Bill No. 314 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 322.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 322 requires high school students, with certain exceptions, to take a civics examination, identical to the civics portion of the naturalization test of the United States Citizenship and Immigration Services of the Department of Homeland Security, as a condition for graduation from high school beginning in the 2019–2020 School Year. The bill further provides requirements for the reporting of aggregated test results. The required test may be offered voluntarily beginning in the 2018–2019 School Year.

Roll call on Senate Bill No. 322:

YEAS—20.

NAYS—Hardy.

Senate Bill No. 322 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 344.

Bill read third time.

Remarks by Senators Farley, Gustavson and Segerblom.

SENATOR FARLEY:

Senate Bill No. 344 sets forth the following provisions regarding edible marijuana products: products must be labeled with the number of THC servings based on a 10 milligram single serving; edible or marijuana-infused products must be in a single package and contain a notice regarding its potency established via testing; the term "candy" is defined for the purposes of edible marijuana product sales and products that appear to be candy or are modeled after cartoon characters, mascots, action figures, balloons, fruits or toys or another product that is marketed to children are prohibited; advertising that appeals to children is prohibited; transparent packaging is prohibited; medical marijuana dispensaries and retail marijuana establishments are to provide written notice with each sale that marijuana products are to be kept out of the reach of children and to sell containers that lock and are designed to prohibit children from opening them; only the Division of Public and Behavioral Health and the Department of Taxation may adopt regulations or impose requirements on the production, potency, appearance, packaging, labelling or advertising of marijuana; and concentrated marijuana is prohibited from being applied to commercially available food or candy.

SENATOR GUSTAVSON:

I am going to support Senate Bill No. 344. Anything we can do to protect children from marijuana can never be enough. I wish this bill went further because we are only beginning to open Pandora's box. The labeling on marijuana products needs stronger warning language than what this bill requires such as health warnings and safety warnings. Marijuana proponents argue incessantly that marijuana is harmless; I disagree. This is so wrong, and it is irresponsible to make these claims. Greed eventually finds its way to both sides of the aisle. The tobacco industry kept our heads in the sand as it counted its profits. Eventually, its profits became a target, and they were sued for ignoring the science. I suggest that monetary greed has been a driving force that lobbied for the local legalization of marijuana. Those who sell pipes today, will have to pay the piper tomorrow.

SENATOR SEGERBLOM:

I would like to commend my colleague from District 8. She reached out around the Country to find the best practices and brought them back to Nevada. With the passage of Senate Bill No. 344, we will be a leader in this issue.

Roll call on Senate Bill No. 344:

YEAS—21.

NAYS—None.

Senate Bill No. 344 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 350.

Bill read third time.

The following amendment was proposed by Senator Atkinson:

Amendment No. 616.

SUMMARY—Revises provisions governing the installation and use of certain technology devices in a motor vehicle. (BDR 52-575)

AN ACT relating to trade regulations; prohibiting certain persons from installing, requiring to be installed or using certain technology devices in a

motor vehicle in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (NRS 11.190, 41.600; chapter 598 of NRS) Section 28 of this bill prohibits certain creditors or long-term lessors of certain motor vehicles from: (1) installing or requiring the installation of certain technology devices which record the location of a motor vehicle unless the consumer who has purchased or leased the motor vehicle is given written notice or agrees in writing to such installation; or (2) installing or using certain technology devices which can remotely disable a motor vehicle in the event of a default unless the consumer agrees in writing to such installation and use. Section 28 also provides certain requirements for and restrictions on the use of such technology devices. Section 29 of this bill imposes certain requirements and restrictions on ~~any person~~ certain persons who: (1) ~~manufactures~~ manufacture or provide such technology devices; (2) ~~install~~ install such technology devices; or (3) ~~possesses~~ possess or obtain data from such technology devices. Section 30 of this bill makes any violation of the provisions of sections 28 and 29 a deceptive trade practice. Sections 15-27 of this bill provide definitions for the provisions relating to the new deceptive trade practices established in sections 28 and 29. Section 31 of this bill makes a conforming change. Section 32 of this bill makes a conforming change to a provision of existing law that imposes certain requirements on retail installment contracts. (NRS 97.165)

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 30, inclusive, of this act.

Sec. 16. *As used in sections 16 to 30, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 17 to 27,*

inclusive, of this act have the meanings ascribed in those sections.

Sec. 17. "Consumer" means:

1. A retail buyer who purchases a motor vehicle; or
2. A long-term lessee who leases a motor vehicle,

↳ *primarily for personal, family or household use.*

Sec. 18. "Creditor" means a lender, dealer or other secured party to a transaction for the purchase of a motor vehicle or the assignee of such a lender, dealer or other secured party.

Sec. 19. "Dealer" has the meaning ascribed to it in NRS 482.020.

Sec. 20. "Electronic tracking technology" means technology that enables the use of a global positioning satellite or similar technology to obtain or record the location of a motor vehicle.

Sec. 21. "Lease" has the meaning ascribed to it in NRS 482.053.

Sec. 22. "Long-term lessee" has the meaning ascribed to it in NRS 482.053.

Sec. 23. "Long-term lessor" has the meaning ascribed to it in NRS 482.053.

Sec. 24. "Retail buyer" has the meaning ascribed to it in NRS 97.085.

Sec. 25. "Retail installment contract" has the meaning ascribed to it in NRS 97.105.

Sec. 26. "Secured party" has the meaning ascribed to it in NRS 104.9102.

Sec. 27. "Starter interruption technology" means technology which can be used to remotely disable the starter of a motor vehicle or to remotely cause an audible sound in a motor vehicle, or both.

Sec. 28. 1. A creditor, in connection with a retail installment contract for the sale of a motor vehicle, or a long-term lessor, in connection with a lease of a motor vehicle, must not use, install or require to be installed in the motor vehicle any electronic tracking technology for the purpose of ascertaining or recording the location of the motor vehicle unless the:

(a) Consumer agrees in writing to the installation of the electronic tracking technology in the motor vehicle, provided that the agreement is optional and not a required condition of the retail installment contract or lease; or

(b) Creditor or long-term lessor provides to the consumer, before the signing of the retail installment contract or lease, written notification in a document that is separate from the contract or lease and may be retained by the consumer, that the motor vehicle is equipped with electronic tracking technology that may be used by the creditor or lessor:

(1) To verify and maintain the operational status of the electronic tracking technology;

(2) To service the contract or lease; or

(3) To locate the vehicle for repossession as provided by this section or by any other provision of law.

2. A creditor, in connection with a retail installment contract for the sale of a motor vehicle, or a long-term lessor, in connection with a lease of a motor vehicle, must not install in the motor vehicle or use starter interruption

technology unless, before the signing of the contract or lease the consumer and the creditor or long-term lessor enter into a written agreement, in a document that is separate from the contract or lease, a copy of which may be retained by the consumer and for which the consumer must provide written acknowledgment of receipt, that the motor vehicle is equipped with starter interruption technology. The agreement must provide that:

(a) The vehicle is equipped with starter interruption technology which may only be used as provided in this subsection.

(b) The starter interruption technology may be used to disable the starter of the motor vehicle remotely if the consumer is in default as provided in the retail installment contract or lease, but in no case sooner than 30 days after the due date of a missed payment by the consumer on the contract or lease.

(c) The use of starter interruption technology to disable the starter of the motor vehicle constitutes constructive repossession for the purposes of applicable law, including, without limitation, chapters 97, 104 and 104A of NRS.

(d) For the purposes of reducing or eliminating the risk of potential injury or harm to the consumer and the health, safety and welfare of the public, starter interruption technology must be designed, installed and operated only to prevent a motor vehicle from being started and must not be used in a way that will:

(1) Disable the motor vehicle while it is being operated;

(2) Turn off the engine when the engine is running; or

(3) Cause an audible warning sound which lasts longer than 20 seconds when the engine is started or turned off.

(e) Not less than 48 hours before the starter interruption technology is engaged, the consumer must be provided with actual notice, in a form and manner clearly stated in the agreement and which may consist of, without limitation, a clear visual signal displayed in a place easily visible to the driver of the motor vehicle.

(f) The consumer will be provided with the name, address and toll-free telephone number of a person who has the authority to have the starter interruption technology activated, deactivated or reinstated, as necessary.

(g) The consumer will be provided with the ability, in the event of an emergency, to start and freely operate the vehicle not less than two times over a 48-hour period after the engagement of the starter interruption technology.

(h) In the event that the retail installment contract or lease for the motor vehicle is assigned to a successor in interest or another secured party, the successor in interest or other secured party must provide the consumer with his or her name, address and toll-free telephone number in a commercially reasonable time and manner.

(i) The consumer must not be charged a fee or incur any cost for the installation or use of the starter interruption technology.

(j) A breach of the agreement by the creditor or long-term lessor constitutes a deceptive trade practice.

3. *The provisions of this section:*

(a) *May not be waived by the consumer.*

(b) *Do not apply to a creditor or long-term lessor who ~~conducts~~ :*

(1) *Conducts a transaction for the installment sale or long-term lease of a motor vehicle intended for use by a business entity in the course or scope of business.*

(2) *Is the manufacturer, or a wholly owned affiliate of the manufacturer, of the motor vehicle which is the subject of the retail installment contract or long-term lease.*

Sec. 29. 1. *A person who manufactures or provides electronic tracking technology devices or starter interruption technology devices shall:*

(a) *Label each such device with the name of the manufacturer and a unique identifier that is designed to remain legible for the estimated useful life of the device.*

(b) *Keep records for each device for not less than the estimated useful life of the device that include, without limitation:*

(1) *The date of manufacture;*

(2) *The date of sale;*

(3) *The identity of the original purchaser; and*

(4) *If known, the identity of the person who initially installed the device.*

(c) *Provide to any installer of the device specific instructions on the proper installation of the device in a vehicle and retain records showing the exact instructions which were provided with each device, as identified with a unique identifier pursuant to paragraph (a).*

(d) *If he or she regains possession of a device and resells or provides it to another person, keep the records required pursuant to paragraphs (b) and (c).*

2. *A person who installs an electronic tracking technology device or a starter interruption technology device in a motor vehicle must:*

(a) *Hold a certification from the:*

(1) *Mobile Electronics Certified Professional program or its successor;*

or

(2) *National Institute for Automotive Service Excellence or its successor.*

(b) *Keep records of each installation conducted for not less than 3 years.*

Such records must include, without limitation:

(1) *The date of installation;*

(2) *The unique identifier on each device as required by paragraph (a) of subsection 1; and*

(3) *A copy of the installation instructions provided by the manufacturer or provider of the device as required by paragraph (c) of subsection 1.*

(c) *If the installation is at the request of or on behalf of a creditor in connection with a retail installment contract for the sale of a motor vehicle or a long-term lessor in connection with the lease of a motor vehicle, provide a copy of the records required by paragraph (b) to the creditor or lessor or a designee of the creditor or lessor.*

3. A person who possesses or obtains telemetry data related to a consumer that is collected by electronic tracking technology or starter interruption technology may not:

(a) Sell any telemetry data.

(b) Provide any telemetry data to any person or entity other than:

(1) The consumer;

(2) A reposessor who is authorized pursuant to section 28 of this act to repossess the motor vehicle from which the telemetry data was obtained; or

(3) A person authorized by law to possess or obtain such telemetry data.

(c) Use any telemetry data for any purpose other than:

(1) As needed to ensure that the electronic tracking technology or starter interruption technology is operating properly, provided that such use is brief and periodic;

(2) To communicate an audible or visible warning to the consumer as authorized in section 28 of this act;

(3) To activate starter interruption technology as authorized in section 28 of this act;

(4) To locate a motor vehicle at the request of the consumer; or

(5) To locate the motor vehicle for repossession as authorized in section 28 of this act.

(d) Retain any telemetry data for a period of more than 180 days after collection of the data.

(e) Fail to erase all electronically stored telemetry data and shred any physical copies of such data not more than 180 days after collection of the data.

4. The provisions of this section do not apply to the manufacturer, or a wholly owned affiliate of the manufacturer, of a motor vehicle which is equipped with electronic tracking technology or starter interruption technology or from which telemetry data is obtained.

5. As used in this section, unless the context otherwise requires:

(a) "Device" means all physical parts and pieces which are required to allow for the operation of electronic tracking technology or starter interruption technology in a motor vehicle.

(b) "Reposessor" has the meaning ascribed to it in NRS 648.015.

(c) "Telemetry data" means any information collected by electronic tracking technology or starter interruption technology, regardless of whether such information is transmitted or retained in the device, and includes, without limitation, information pertaining to the location, speed and motion status of a motor vehicle.

Sec. 30. 1. Any violation of sections 28 and 29 of this act constitute a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

2. A consumer who prevails in an action for a violation of section 28 or 29 of this act by a person who is a creditor in connection with a retail installment contract for the sale of a motor vehicle or a long-term lessor in

connection with the lease of a motor vehicle, in addition to any other award or other remedy available pursuant to law, must be awarded the greater of:

(a) Statutory damages pursuant to subsection 3 of NRS 104.9625, if applicable; or

(b) \$1,000.

Sec. 31. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

➡ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, ~~for~~ 598.840 to 598.966, inclusive, *or sections 16 to 30, inclusive, of this act*, fails to comply with a judgment or order of any court in this State concerning a violation of

such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➔ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➔ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 32. NRS 97.165 is hereby amended to read as follows:

97.165 1. Every retail installment contract must be contained in a single document which must contain the entire agreement of the parties, including any promissory notes or other evidences of indebtedness between the parties relating to the transaction, except as otherwise provided in NRS 97.205, ~~and~~ 97.235 ~~and~~ *and section 28 of this act*, but:

(a) If the buyer's obligation to pay the total of payments is represented by a promissory note secured by a chattel mortgage or other security agreement, the promissory note may be a separate instrument if the mortgage or security agreement recites the amount and terms of payment of that note and the promissory note recites that it is secured by a mortgage or security agreement.

(b) In a transaction involving the repair, alteration or improvement upon or in connection with real property, the contract may be secured by a mortgage or deed of trust on the real property contained in a separate document. Retail sales transactions for home improvements which are financed or insured by the Federal Housing Administration are not subject to the provisions of this chapter.

2. The contract must be dated, signed by the retail buyer and completed as to all essential provisions, except as otherwise provided in NRS 97.205, 97.215 and 97.235. The printed or typed portion of the contract, other than instructions for completion, must be in a size equal to at least 8-point type.

3. Any fee charged to the retail buyer for his or her cancellation of a retail installment contract within 72 hours after its execution is prohibited unless notice of the fee is clearly set forth in the printed or typed portion of the contract.

Sec. 33. This act becomes effective on July 1, 2017.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 616 makes one change to Senate Bill No. 350. It exempts the provisions of the bill and creditor as a long-term lessor of a motor vehicle who is also the manufacturer of a motor vehicle or a wholly owned affiliate of the manufacturer.

Amendment adopted.

Senator Atkinson moved that all necessary rules be suspended, that the reprinting of the bill be dispensed with, and that the Secretary be authorized to insert Amendment No. 616 adopted by the Senate, and that the bill be placed on the General File and considered next.

Motion carried.

Bill read third time.

Remarks by Senator Atkinson.

Senate Bill No. 350 prohibits creditors and long term lessors of motor vehicles from installing or requiring the installation of technology devices that record the location of the motor vehicle or technology devices that can remotely be disabled, or disable a motor vehicle unless the consumer who has purchased or leased the motor vehicle is given written notice or agrees in writing to such an installation. The measure provides for certain requirements and restrictions on the use of such technology devices. Further, the bill imposes certain requirements and restrictions on certain persons who may manufacture or provide such technology devices, install such technology devices, or possess or obtain data from such technology devices. A violation of the provisions in this bill is a deceptive trade practice.

Roll call on Senate Bill No. 350:

YEAS—21.

NAYS—None.

Senate Bill No. 350 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly

Senate Bill No. 352.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 352 in its first reprint sets forth the findings of the Legislature that when a single family residence is partially or completely destroyed by a flood, fire, earthquake or other event for which the Governor proclaims either a State of Emergency or declaration of disaster. The resulting loss of the depreciation accrued on the partially or completely destroyed residence causes a severe economic hardship to the owner of the residence by increasing the property taxes imposed on that residence.

Senate Bill No. 352 establishes a provision to allow for a person who's primary single family residence was partially or completely destroyed by such an event to apply to the County Assessor for an exemption of assessed value related to the replacement of the destroyed residence such that the taxes imposed on the replacement residence are based on the taxes and value of the property in the fiscal year in which the single family residence was partially or completely destroyed. The bill specifies that the exemption no longer applies if the single family residence that is replaced following the natural disaster state of emergency is sold in a transaction that requires the payment of real property transfer tax.

Finally, the bill provides that the exemption applies to property destroyed or partially destroyed in any event for which a state of emergency or declaration of disaster was proclaimed by the governor on before or after July 1, 2017.

Roll call on Senate Bill No. 352:

YEAS—21.

NAYS—None.

Senate Bill No. 352 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 357.

Bill read third time.

Remarks by Senators Atkinson, Kieckhefer and Spearman.

SENATOR ATKINSON:

Senate Bill No. 357 requires each contractor and subcontractor on a public work beginning in calendar year 2019, for which the estimated costs exceeds \$1 million, to ensure that an apprentice performs not less than 3 percent of the total hours for all horizontal construction work and not less than 7 percent of the total hours for all vertical construction work for the public work. The measure authorizes the Labor Commissioner to adopt, with the approval of the State Apprenticeship Council, regulations revising the percentage requirements each calendar year, and impose a monetary penalty for the failure of a contractor or subcontractor to comply with requirements to use apprentices on a public work of the minimum percentage of hours. Further, a public body must verify that a contractor is in compliance with the requirements for apprentices or has paid the monetary penalty, and the public body cannot award a contract to a contractor who has not satisfied the apprentice requirement or paid the monetary penalty. Finally, a contractor that exceeds the minimum apprentice requirements must receive a preference in bidding.

We are seeing quite a few things this Session dealing with apprenticeship. The Governor's Office is working on Workforce Development and Apprentice Council. This is a good tool to use if we are serious about developing our own workforce in the State that we know is rebounding with respect to construction and public works. We have this shiny new stadium on the way. We have Project Neon down south, and we have many other opportunities to put Nevadans to work.

I have said this for quite some time and I think some of my colleagues may agree, that not everyone is going to go to college and not everyone has the same opportunities. There are communities like mine, for example, where 23 year olds are at home helping take care of their family and trying to provide opportunities for their own children. This is a good opportunity to put folks on projects while teaching them at the same time and also keeping those citizens here in our State. Everyone will tell you when they go to work sites, that they see multiple vehicles with license plates from California, Utah and all these other places. This will give us the opportunity to train our own workforce. I urge you to pass Senate Bill No. 357.

SENATOR KIECKHEFER:

I certainly agree with a lot of what my colleague said about the need to develop our trade and construction workforce in the State; however, I feel that Senate Bill No. 357 is not the right vehicle to do so. There are a couple glaring problems with the bill before us, the first, being that these targets are simply too high. We have heard from larger Union contractors in northern Nevada, and they have said they are not going to be able to find the apprentices to meet these thresholds based on the current enrollment in the apprenticeship programs.

Additionally, the Labor Commissioner will then be able to increase this threshold by two percentage points each year going forward without any apparent cap in terms of the number of hours that would need to be provided by apprentices on these projects. I see that as a significant flaw in the bill.

More importantly, this bill effectively prohibits medium and large open-shop contractors from serving as general contractors or subcontractors on public works above \$1 million. All construction companies and all construction workers in our State should be eligible to bid on and work on public works. All tax dollars help fund those projects and all workers should be eligible to serve on them. This bill does the opposite of that; therefore, it should be rejected.

SENATOR SPEARMAN:

I rise in strong support of Senate Bill No. 357. We have just passed about four different clean energy bills over the last two days, and the opportunities to expand apprenticeships are not only going to be necessary but they are going to be welcome. There will be more work than we have skilled labor to produce, and this is a wonderful opportunity to incorporate earn-while-you-learn.

SENATOR ATKINSON:

I would like to respond to my colleague from District 16. I want to clarify that the Labor Commissioner can go up two percent per year, but that is only after it is considered through the Council. The Commissioner cannot do it on his own. They will take into consideration the things that you spoke about and make sure that it should occur. If it should not, they will leave it as is.

I want to remind this Body of a similar bill that we passed unanimously in the 78th Session. I think that this bill is much better than that one. Last Session, the bill was much harsher in that it was a 3 percent increase per year, and there was no option to take a look at it. It was mandated that it go up 3 percent for the next 5 years so we would have eventually ended at 15 percent. That was a lot harsher than what we are doing here. We also took out the mandatory penalty we were giving them. This just gives them a preference when bidding. If you voted in favor of it last Session, you definitely should be in favor of it this Session because it is much better. This is a good bill that helps put our citizens to work. I urge the Body's passage of Senate Bill No. 357.

Roll call on Senate Bill No. 357:

YEAS—12.

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

Senate Bill No. 357 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 360.

Bill read third time.

Remarks by Senators Cannizzaro, Hardy and Harris.

SENATOR CANNIZZARO:

Senate Bill No. 360 revises definitions of abuse and exploitation to include those who place a vulnerable person in a situation where they were set for harm or for denying adequate food, shelter, clothing or services necessary to maintain physical or mental health for those individuals. It also increases penalties for second or subsequent offenses for individuals who commit repeated abuse or neglect or exploitation of our elderly or vulnerable populations. It also clarifies that immunity from prosecution for those who report suspected abuse or neglect of a vulnerable or elderly person does not extend to a person who was involved in the neglect or abuse either through conspiracy, aiding and abetting, or by directly committing the crime. The maximum term of imprisonment for a person who abuses or neglects an elderly or vulnerable person where it results in substantial bodily harm or death is increased from 6 years to 20 years, and a second or subsequent offense is a category B felony.

The bill also establishes a Wards' Bill of Rights and prescribes the manner in which it is to be made available to the public. The Wards' Bill of Rights addresses several matters including, but not limited to, receiving proper legal representation; receiving proper notice of proceedings involving the ward; being involved in developing a plan for the ward's care; giving due consideration to the ward's preferences for health care, medical treatment and religious and moral beliefs; remaining as independent as possible, and having control over his or her financial affairs. Provisions effecting the Ward's Bill of Rights are effective upon passage and approval for the purpose of performing preparatory administrative tasks.

I urge my colleagues to support this bill. It is so important that we stand up and provide protections in the law for those who are elderly and vulnerable. I have worked on these cases in my career. They are often heartbreaking. In speaking with individuals in District 6, there are a

number of individuals who have watched their friends and family go through repeated abuse, and we are unable to address it. Senate Bill No. 360 goes a long way in seeing that those individuals are safe in our communities, and we are going to hold accountable those who commit this type of abuse repeatedly or those who are trying to abuse the system.

SENATOR HARDY:

I rise in support of Senate Bill No. 360. This bill illustrates well how nobody has a monopoly on good ideas and good policy. I was talking to my colleague from District 9 earlier in the Session and recognized the work that has gone into this from all different directions and different people. We have an opportunity to do something that illustrates well how we as a Body can work to come together and accomplish things. I appreciate the work that has been done by the Senator from District 9 and the Senator from District 6 to bring this together in one bill and allow us to do something good for the people of the State of Nevada.

SENATOR HARRIS:

I rise in support of Senate Bill No. 360. I congratulate my colleague from Senate District 6 for advocating on behalf of Nevada's seniors. I am especially thrilled to see the Bill of Rights provisions contained within this bill. During the interim, Chief Justice Hardesty formed the Guardianship Commission which consisted of a diverse group of Legislators, administrative agency members, members of the press, as well as judges and others. It was my privilege to serve on that Commission. As part of that service and that Commission, we heard hours of testimony from families who have had loved ones subjected to abuses. One of the most important recommendations that came from the Commission was for a Bill of Rights to protect a person potentially subject to guardianship, similar to the provisions contained in Senate Bill No. 360. The Guardianship Commission is grateful for the Bill of Rights provisions contained in the bill, and I urge the Body to support this bill.

Roll call on Senate Bill No. 360:

YEAS—21.

NAYS—None.

Senate Bill No. 360 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Ford moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 12:31 p.m.

SENATE IN SESSION

At 12:37 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Senate Parliamentary Rules and Procedures has approved the consideration of: Amendment No. 624 to Senate Bill No. 219.

KELVIN ATKINSON, *Chair*

Senate Bill No. 364.

Bill read third time.

Remarks by Senators Parks, Hammond and Ratti.

SENATOR PARKS:

Senate Bill No. 364 makes various changes to provisions governing trapping, including excluding certain devices from the definition of "trap"; providing that each State agency that manages any public land where trapping may occur must post certain warning signs; requiring that for each trap, snare or similar device be registered with the Department of Wildlife; the registrant must pay a fee of \$5 per trap; providing that, with limited exception, any trap not registered with the Department must have the name and address of the owner clearly stamped on the trap or on a metal tag attached to the trap; providing that a person may remove or disturb a trap if it creates an immediate risk of physical injury to any person or animal accompanying the person; mandating that traps must be visited at least once every 96 hours for removal of animals, and providing that the Board of Wildlife Commissioners may not adopt regulations setting forth trap visitation frequency, but that until the Legislature changes the frequency of required trap visitation, the regulation adopted by the Commission, as it exists on July 1, 2017, shall remain in effect.

SENATOR HAMMOND:

I recognize that there was a lot of work done on the bill. The Chair of Natural Resources did a great job and should be commended. I know a lot of people are going to support the bill because of the compromise to try to move the legislation forward. A concern I have with the bill is the imposition of a monetary increase on each trap someone uses. Now, there is a flat fee of \$10, and I think that the proposal is to add \$5 on to each trap. Now, all of the sudden if you are a trapper, not a hunter or fisherman but a trapper, and you have over 50 traps, that is a significant increase in the amount of money that you are now going to be spending in order to do this.

The bill also proposes that you put your address on the trap. That is going to put people in harm's way. When you have people who are passionate on both sides of this issue, this would allow someone to know where a trapper lives. I do not think that is smart policy. For that reason, I am going to oppose Senate Bill No. 364, but I understand that there was a lot of work done on it.

SENATOR RATTI:

I want to echo the tremendous amount of work that was put into this bill. I want to thank my colleague from District 7 for bringing the bill forward, and I thank the Natural Resources Committee who spent quite some time on Senate Bill No. 364.

I understand my colleague from the south's concern. I would like to add that if a person is putting out 50 traps, at that point they are probably trapping for a commercial enterprise; that moves far beyond the recreational trapping space. I think it is appropriate to pay this modest fee if you are then turning around to sell those pelts for profit.

Roll call on Senate Bill No. 364:

YEAS—20.

NAYS—Hammond—1.

Senate Bill No. 364 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 369.

Bill read third time.

Remarks by Senators Ford and Denis.

SENATOR FORD:

Senate Bill No. 369 requires the board of trustees of a school district with more than 75,000 students enrolled, currently the Clark County School District, to provide training to teachers and principals in working collaboratively with school staff and the families of students enrolled in the school. Such training must be attended if so directed by the school principal or district superintendent.

This bill also requires the board, upon petition of a certain percentage of school employees, families or school organizational team members, to investigate whether the staff of a school are effectively engaging with the families of its students and whether the culture of the school is focused on student outcomes. The petition process is delayed by one year for any school just entering turnaround status. If a board conducts such an investigation, it must provide related training to the staff of the school as necessary and appropriate.

SENATOR DENIS:

Senate Bill No. 369 is a good bill. When we are trying to get parents and others to be part of the process at a school. This is going to give them that opportunity to get trained. I know we talked about the importance of this during the interim, and we questioned how people are going to get trained, especially parents. They have to make decisions at that school, and they are talking about the budget and other things. This is a great bill that will allow for parents to effectively get trained and be part of the process in order to make education better in Nevada.

Roll call on Senate Bill No. 369:

YEAS—21.

NAYS—None.

Senate Bill No. 369 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 375.

Bill read third time.

Remarks by Senator Segerblom.

Senate Bill No. 375 authorizes the Governor or his or her designee to enter into agreements with tribal governments within this State to facilitate cooperation in the implementation of State laws and tribal laws governing the use of marijuana. An agreement may address matters including, but not limited to, criminal law and law enforcement; regulatory matters concerning possession, delivery, production, processing or use of marijuana products; medical and pharmaceutical research; taxation; immunity, preemption or conflicts of law; and dispute resolution.

Any agreement entered into under these provisions must preserve public health and safety, ensure the security of marijuana establishments and establish provisions regulating business involving marijuana that passes between tribal and non-tribal lands in Nevada.

Roll call on Senate Bill No. 375:

YEAS—21.

NAYS—None.

Senate Bill No. 375 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 386.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 386 requires a public school's plan to provide for the progressive discipline of students to include the names of each member of the committee to review the temporary alternative placement of students; provide for the temporary removal of a student from other, non classroom premises of a school, and include a policy for school transportation, as adopted by the school district board of trustees.

The related school committee must include a nonteaching staff member, and certain members can serve no more than two consecutive years. The bill also expands the conditions under which the committee may be convened.

On or before September 15 of each year, the principal of each school shall distribute a copy of the plan to all educational personnel at the school and submit the plan to the school district superintendent. The bill also requires related reports to be submitted by school principals to their districts and by school districts to the Legislative Committee on Education.

I want to state that I sincerely appreciate all of the work that was done on this measure by representatives of school districts and school staffing organizations which also included the bus drivers.

Roll call on Senate Bill No. 386:

YEAS—21.

NAYS—None.

Senate Bill No. 386 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 387.

Bill read third time.

Remarks by Senators Ratti, Roberson, Ford, Hardy and Cannizzaro.

SENATOR RATTI:

In Nevada, a person is killed with a gun every 20 hours. Nevada is among the deadliest states for gun violence. From 2005 to 2014, Nevada had the tenth highest rate of gun deaths out of any state. This was a rate that was 44 percent higher than the national average. Nevadans are particularly at risk for gun-related suicides. Nevada had the fifth highest rate of gun suicides in the Country from 2005 to 2014. Nevada is one of 21 states where gun violence deaths exceed motor vehicle related deaths.

In almost all of these cases in Nevada and across the Country, shortly after a tragic incident, you will see a family member or a friend come forward and say, "I knew they were in crisis. I tried to stop it. There was nothing I could do." They may have approached their local police department, and they were turned away when law enforcement officers said that because no crime has been committed, there is nothing that they can do.

Senate Bill No. 387 seeks to solve that issue. In a very narrow set of circumstances, this bill gives law enforcement and family members a tool to seek what is known as a High Risk Protection Order. That protection order can be issued by a court of law when a person is in crisis. What it does is temporarily takes away weapons until that crisis can be resolved. To date, in the states where this has been implemented, we have seen the ability to prevent unnecessary tragedies that affect families, friends and neighbors. In most cases, it is being applied to suicide. In a handful of cases, it has been applied to some other situations that put far more people at risk.

We need to do more when it comes to gun violence. This is a commonsense solution that allows us to address a crisis situation and make sure that we keep our friends and family safe. I urge your support.

SENATOR ROBERSON:

While I certainly appreciate the good intentions of my colleague from Senate District 13, I do rise in opposition. This is a pre-crime bill, reminiscent of the movie Minority Report. Senate Bill No. 387 allows the government to violate a person's 2nd, 4th and 5th Amendment rights without prior notice and without a hearing. This would occur based solely on hearsay or the unsubstantiated claims of another, without the presumably law abiding person being accused, much less convicted of any crime whatsoever. The government already has the means to address the issues that this bill seeks to address by simply executing a Legal 2000. This bill provides no mental health counseling, no treatment, no evaluation of the person in question. It simply takes away their constitutional rights. For these reasons, I oppose Senate Bill No. 387.

SENATOR FORD:

I most respectfully disagree with my colleague from District 20. It is not a pre-crime bill; it is a prevention bill. As with most bills that have come before us, my colleagues have sought input and compromise and have acquiesced in many ways. My colleague from District 13 is no different in this regard.

Far from being something that lacks due process, this bill has plenty of due process. It has judicial proceedings associated with the issue, and it has protections associated with it as well. While I understand the concept of a Legal 2000 being an avenue, it is not the only avenue. Sometimes, you just have bad people out there. They are not mentally ill, but if we are able to prevent someone from being harmed, then it is our responsibility to do that. This bill is an effort of compromise, and I urge the Body to support Senate Bill No. 387.

SENATOR HARDY:

Along the lines of the mental health issue, as a physician one of the things we do is ask if a patient has ever thought of suicide. The next question is how would you do it? If they say, "I would do it with a gun;" the next question is, "Do you have a gun?" If they say "yes," I tell them that I want the gun, and I get the gun from the patient and put it somewhere safe until they are better. That is one of the things that practitioners do in order to prevent suicide and other problems. That is another avenue. I think Senate Bill No. 387 goes too far.

SENATOR CANNIZZARO:

One of the things about this bill that strikes me the most is that I am one of the individuals who has had to have the conversation with the family of a victim of gun violence to talk about how we are going to try to prosecute the case. I have had to discuss what else might be said in court and what a jury might do. That conversation always has to include the possibility that an individual will be found not guilty. It also always has to include what could have or what should have happened prior to the incident. These are difficult conversations; they are not conversations that I relish. If I can have one less conversation such as this with a grieving mother or father, sister or brother, then that is what I will choose—one less conversation, one less case that I would rather not work and one less family who has to suffer the loss of a person from a senseless act of gun violence.

I do not approach the notion of taking someone's firearms away without a sense of gravity. I think it is a serious thing to do. I also think that having heard this bill in its original form and having heard this bill in its form today, we are talking about a different situation. We are talking about probable cause. When you say probable cause to me, that means that a police officer can arrest someone. They can arrest someone, and they can take them to jail to hold them there until we can conduct a hearing based on probable cause. You can take away someone's freedom for probable cause. What this bill is seeking to do is to provide family members, people who have intimate knowledge of these individuals who are suffering, a way to help.

These individuals who are suffering might not qualify for a Legal 2000, or in some cases, the Legal 2000 has already expired. A Legal 2000 is only valid for 72 hours. A person will be held for the 72 hours only if an ambulance is called. If the individual goes to the hospital and if they are evaluated and a finding is made by a mental health professional, when and if someone requires additional help, this bill addresses that circumstance.

These particular situations are the most dangerous for our law enforcement and the most dangerous for those who know these individuals. Often times, the most dangerous place for a law enforcement officer to be is responding to a domestic-violence call, and that is where this bill fits nicely. We are not talking about your neighbor calling the police and saying I do not think that my neighbor should have a gun because I just don't. This is somebody who is a family member who is saying my son, my daughter, my mom, my dad is having a very serious mental issue, and I am afraid for their well-being. In that case, an officer is going to come out to conduct an investigation. If the officer has probable cause, they can seek an order from a judge. A judge then has to review the order and has to issue that order. The idea that we are just bursting into people's home and violating their rights is not supported in the plain language of the bill.

I stand in support of Senate Bill No. 387. It is seeking to do something we desperately need. Frankly, if that is one less conversation I have to have with a family member, then I support it.

SENATOR ROBERSON:

The Senate Majority Leader mentioned a few moments ago that there are bad people out there; I agree. Too many bills this Session have sought to lessen the punishment of convicted bad people, but our Country was founded on the idea that law abiding citizens have rights and civil liberties. We do not take away those rights until they have been at least accused of bad actions, not simply because someone else claims that they are a bad person.

Roll call on Senate Bill No. 387:

YEAS—12.

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

Senate Bill No. 387 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Ford moved that the Senate recess until 4:00 p.m.

Motion carried.

Senate in recess at 12:59 p.m.

SENATE IN SESSION

At 4:01 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Senate Parliamentary Rules and Procedures has approved the consideration of: Amendment No. 625 to Senate Bill No. 374.

KELVIN ATKINSON, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 396.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 396 creates a program for the growth and handling of industrial hemp and agricultural hemp seed that is separate from the existing agricultural-hemp pilot research program. The bill establishes registration requirements for hemp growers, handlers and producers through the Department of Agriculture; requires testing of hemp products by an independent laboratory; and allows existing marijuana establishments to acquire and use hemp in certain products.

The Division of Public and Behavioral Health of the Department of Health and Human Services is required to adopt regulations governing hemp that is used in the production of marijuana or marijuana-infused products. A person who grows or handles hemp in violation of the provisions of this measure is guilty of a misdemeanor.

Roll call on Senate Bill No. 396:

YEAS—20.

NAYS—None.

ABSENT—Roberson.

Senate Bill No. 396 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 398.

Bill read third time.

Remarks by Senators Kieckhefer and Segerblom.

SENATOR KIECKHEFER:

Senate Bill No. 398 recognizes blockchain technology as a type of electronic record and includes the term "blockchain" within the definition of electronic record for the purposes of the Uniform Electronic Transactions Act. The bill also prohibits a local government from imposing taxes, fees, licensing or permitting requirements or any other requirements on the use of a blockchain.

SENATOR SEGERBLOM:

I would like the sponsor to explain how this works.

SENATOR KIECKHEFER:

A blockchain is a way for various computers to communicate over a closed network to maintain a detailed record of transactions that is incorruptible. All parties involved are confident in the veracity of the data that is being transmitted over the communications device, and it ensures that the integrity is sound for purposes of putting it into statute and maintaining the legal provisions thereof.

Roll call on Senate Bill No. 398:

YEAS—21.

NAYS—None.

Senate Bill No. 398 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 407.

Bill read third time.

Remarks by Senators Spearman and Settlemeyer.

SENATOR SPEARMAN:

I want to give a little background on what everyone calls green banking of which we changed the name to Clean Energy Fund. According to Governor Brian Sandoval, Nevada is home to some of the most abundant and accessible sources of clean energy in the world, including solar, wind and geothermal sources of energy. Taken together, the entire clean energy serviceable addressable market could be as high as a half-a-trillion dollars driven by an enormous utility scale. Solar potential distributed solutions are a smaller share but still far greater than the current investment capacity. Resident and commercial capacity is estimated to be \$1 billion. The building energy efficiency opportunity is estimated to be over \$2 billion; wind \$2.6 to \$10.8 billion; energy efficiency \$2.25 billion; solar \$8.2 billion and upwards of \$511 billion; geothermal represents between \$3.5 and \$10.6 billion in investment opportunities.

One of the benefits of the Green Bank is elimination of upfront cost. We all heard about how Green Banks answers the question to lower energy cost for lower income people who live in apartments and do not own their homes. Green Banks allow consumers to adopt clean energy and lower their energy cost by improving the terms of financing. Green Banks can lower the price of solar electricity and total energy demand is reduced through efficiency. The result is a total lower energy cost with upfront investments.

Senate Bill No. 407 establishes the Nevada Clean Energy Fund to provide funding for and increase the pace and amount of investments in qualified clean-energy projects in Nevada. The bill sets forth the duties and powers of the Board of Directors of the Fund.

Research shows that at minimum, more than 10,000 jobs can be created here in Nevada. That goes with a statement that I made in support of a bill by my colleague from Senate District 4. This bill becomes effective upon passage and approval for the purpose of adopting regulations and

performing administrative tasks on July 1 for all other purposes. The figures I read to you previously could be game changers in terms of Nevada's economy, and I urge my colleague's support.

SENATOR SETTELMAYER:

I have some concerns with Senate Bill No. 407. There are several other bills we have seen regarding renewable energy. I question if when added together, they could become problematic in the realm of rates and how they all affect the renewable energy field.

One of the things that bothers me in this bill is the concept that these are non-collateralized transactions; basically, they are payday loans. In that respect, it would require a 20 to 30 percent interest rate in order to pay them off. I do not see how these types of projects would work out. Other states that have done programs such as this with funding either through a mill charge or funding through a grant straight through an appropriation of a couple millions dollars to start the fund. A philanthropist has the opportunity to come and put this money forward for this type of program right now. I do not see why we are trying to interfere. If there are those private benefactors out there who wish to come forward to promote this, why have they not come forward already?

The other aspect of this bill is that it is placed within the Governor's Office of Energy. He had an Interim Task Force that had this concept in front of them. He chose to not come forward with this concept, so I find it problematic for the Legislature to dictate that we are going to create something within the Executive Department. Beyond that, we are going to say that we are going to create a board made up of the Director of the Office of Energy, the Executive Director of the Office of Economic Development, the Real Estate Administrator and the Commissioner of Financial Institution, all of whom serve as administrators for the Governor. We are dictating to the Governor what his employees should do. I oppose this bill.

SENATOR SPEARMAN:

I want to address my colleague's questions. First, when we were in Committee, we had our Legal Counsel tell us that this does not tell the Executive Branch what to do because the Governor always has the option of vetoing it. Secondly, the Green Bank study done last year shows that we do not have the type of financial instruments that will attract investments here. People say, well, we have banks, how come they are not doing it? I do not know why they are not, but they are not, especially for low income people. There are investors out there who look for these types of opportunities, and creating this clean-energy fund says to them we are open for business. Then private money comes in and is non-secured, so it is the private investors who are taking the risk, not the public. Previously, I read to you multiple figures, and if you add all of those up, we are approaching almost \$50 billion. I think this is a really good idea. We are not telling the Executive Branch what to do. If the Governor does not like it, he can veto it. This is simply putting forth an infrastructure so that low to moderate non-home owners and small businesses can access the type of capital they need so they too can participate in the renewable and clean-energy revolution here in Nevada. Again, I urge your support.

Roll call on Senate Bill No. 407:

YEAS—18.

NAYS—Gustavson, Roberson, Settelmeyer—3.

Senate Bill No. 407 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 409.

Bill read third time.

Remarks by Senator Manendo.

Senate Bill No. 409 repeals provisions of existing law that prohibit a person from allowing a cat or dog to remain unattended in a motor vehicle and reenacts those provisions with revisions based upon provisions of existing law related to leaving a child unattended in a motor vehicle, except for provisions regarding leaving a dog or cat in a vehicle with the motor running. The bill

also provides that certain public employees and volunteers whose work relates to animals or public safety may use any reasonable means necessary to protect a dog or cat and remove it from a vehicle.

Finally, the bill provides that any peace officer or animal control officer is required to take possession of an animal that is being treated cruelly or is being used in fights with other animals and removes this duty from an officer of a society for the prevention of cruelty to animals.

Roll call on Senate Bill No. 409:

YEAS—21.

NAYS—None.

Senate Bill No. 409 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 414.

Bill read third time.

The following amendment was proposed by Senator Hammond:

Amendment No. 590.

SUMMARY—Revises provisions governing the taxation of certain property owned by nonresidents. (BDR 32-935)

AN ACT relating to taxation; revising provisions governing taxation of personal property owned by nonresidents and located in Nevada solely for the purposes of a display, exhibition, convention, tradeshow, carnival, fair or circus; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts from taxation all personal property that is owned by a person who is not a resident of this State if the property is located in this State solely for the purposes of a display, exhibition, convention, carnival, fair or circus that is transient in nature. (NRS 361.068) This bill revises the requirements for claiming the exemption by: (1) making the requirement that the activity be transient in nature apply only to property in the State for purposes of a display, exhibition, carnival, fair or circus and only if the display, exhibition, carnival, fair or circus is located in this State for not more than 30 days ~~[in each year for which the exemption is claimed;]~~; and (2) exempting property that is in this State for the ~~[purposes]~~ purpose of a display or exhibition only if the display or exhibition is nonpermanent and not intended to exist or function for an indefinite period; and (3) exempting property that is in this State for the purposes of a an exhibit that is used in a convention or tradeshow ~~[on the same basis as property]~~ that is located in this State ~~[for the purposes of a convention.]~~

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

Section 1. NRS 361.068 is hereby amended to read as follows:

361.068 1. The following personal property is exempt from taxation:

- (a) Personal property held for sale by a merchant;
- (b) Personal property held for sale by a manufacturer;

(c) Raw materials and components held by a manufacturer for manufacture into products, and supplies to be consumed in the process of manufacture;

(d) Tangible personal property purchased by a business which will be consumed during the operation of the business;

(e) Livestock;

(f) Colonies of bees;

(g) Pipe and other agricultural equipment used to convey water for the irrigation of legal crops;

(h) All boats;

(i) Slide-in campers and camper shells;

(j) Except as otherwise provided in NRS 361.186, fine art for public display; and

(k) All personal property that is:

(1) Owned by a person who is not a resident of this state; and

(2) Located in this state solely for the purposes of ~~it~~ :

(I) ~~["A display, exhibition,]~~ An exhibit that is used in a convention ~~["]~~ or tradeshow ~~["]~~ that is located in this State; or

(II) A ~~nonpermanent~~ display ~~for~~ exhibition ~~that is not intended to exist or function for an indefinite period; or~~

~~=====~~ (III) ~~A]~~ carnival, fair or circus that is transient in nature ~~["]~~ and is located in this State for not more than 30 days ~~in each year for which the exemption is claimed.]~~

2. The Nevada Tax Commission may exempt from taxation that personal property for which the annual taxes would be less than the cost of collecting those taxes. If such an exemption is provided, the Nevada Tax Commission shall annually determine the average cost of collecting property taxes in this state which must be used in determining the applicability of the exemption.

3. A person claiming the exemption provided for in paragraph (j) of subsection 1 shall:

(a) On or before June 15 for the next ensuing fiscal year, file with the county assessor an affidavit declaring that the fine art will, during that ensuing fiscal year, meet all the criteria set forth in paragraph (b) of subsection 4; and

(b) During any fiscal year in which the person claims the exemption, make available for educational purposes and not for resale, upon written request and without charge to any public school as defined in NRS 385.007, private school as defined in NRS 394.103 and parent of a child who receives instruction in a home pursuant to NRS 392.070, one copy of a poster depicting the fine art that the facility has on public display if such a poster is available for purchase by the public at the time of the request.

4. As used in this section:

(a) "Boat" includes any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) "Fine art for public display":

(1) Except as otherwise provided in subparagraph (2), means a work of art which:

(I) Is an original painting in oil, mineral, water colors, vitreous enamel, pastel or other medium, an original mosaic, drawing or sketch, an original sculpture of clay, textiles, fiber, wood, metal, plastic, glass or a similar material, an original work of mixed media or a lithograph;

(II) Was purchased in an arm's length transaction for \$25,000 or more, or has an appraised value of \$25,000 or more;

(III) Is on public display in a public or private art gallery, museum or other building or area in this state for at least 20 hours per week during at least 35 weeks of each year for which the exemption is claimed or, if the facility displaying the fine art disposes of it before the end of that year, during at least two-thirds of the full weeks during which the facility had possession of it, or if the gallery, museum or other building or area in which the fine art will be displayed will not be opened until after the beginning of the fiscal year for which the exemption is claimed, these display requirements must be met for the first full fiscal year after the date of opening, and the date of opening must not be later than 2 years after the purchase of the fine art being displayed; and

(IV) Is on display in a facility that is available for group tours by pupils or students for at least 5 hours on at least 60 days of each full year for which the exemption is claimed, during which the facility in which it is displayed is open, by prior appointment and at reasonable times, without charge; and

(2) Does not include:

(I) A work of fine art that is a fixture or an improvement to real property;

(II) A work of fine art that constitutes a copy of an original work of fine art, unless the work is a lithograph that is a limited edition and that is signed and numbered by the artist;

(III) Products of filmmaking or photography, including, without limitation, motion pictures;

(IV) Literary works;

(V) Property used in the performing arts, including, without limitation, scenery or props for a stage; or

(VI) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry, mirrors, doors or windows.

(c) "Personal property held for sale by a merchant" includes property that:

(1) Meets the requirements of sub-subparagraphs (I) and (II) of subparagraph (1) of paragraph (b);

(2) Is made available for sale within 2 years after it is acquired; and

(3) Is made available for viewing by the public or prospective purchasers, or both, within 2 years after it is acquired, whether or not a fee is charged for viewing it and whether or not it is also used for purposes other than viewing.

(d) "Public display" means the display of a work of fine art where members of the public have access to the work of fine art for viewing during publicly advertised hours. The term does not include the display of a work of fine art in

an area where the public does not generally have access, including, without limitation, a private office, hallway or meeting room of a business, a room of a business used for private lodging and a private residence.

(e) "Pupil" means a person who:

(1) Is enrolled for the current academic year in a public school as defined in NRS 385.007 or a private school as defined in NRS 394.103; or

(2) Receives instruction in a home and is excused from compulsory attendance pursuant to NRS 392.070.

(f) "Student" means a person who is enrolled for the current academic year in:

(1) A community college or university; or

(2) A licensed postsecondary educational institution as defined in NRS 394.099 and a course concerning fine art.

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

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Amendment No. 590 to Senate Bill No. 414 takes care of any concern we are creating with the original language before we brought the bill, that we are creating a system that is bifurcated by giving preference to those who might own certain materials outside the State and those who own materials or items inside the State. The language in the amendment changes this so everyone is on a fair and even playing field.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 420.

Bill read third time.

Remarks by Senators Cannizzaro, Settlemeyer, Harris and Kieckhefer.

SENATOR CANNIZZARO:

Senate Bill No. 420 requires the board of trustees of each school district, the governing body of each charter school, the governing body of each university school for profoundly gifted pupils and the Board of Regents of the University of Nevada to adopt a written policy for student publications, which establishes reasonable provisions governing the time, place and manner for the distribution of those publications; and protects the right of expression of student-journalists and their faculty advisers working on those publications. The policy for public K-12 schools must additionally include procedures for a board of trustees or governing body to determine, before a publication is issued, whether its content would substantially disrupt the ability of the school to perform its educational mission.

Currently, student journalists and student publications are subject to the Hazelwood Standard which authorizes prior restraint for school-sponsored publications when reasonably related to a legitimate pedagogical concern. This bill would implement a standard that would promote freedom of expression and freedom of the press among our students by implementing the standard articulated by the Supreme Court in *Tinker v. Des Moines*. It would prohibit such publications only if libel is involved, if there is an invasion of a person's privacy or if the publication creates a clear and present danger of a material and substantial disruption of school activities. This will allow our student journalists to engage in the business of journalism and will allow them a greater ability to say things such as: "We think the school should be doing more for extracurricular activities or we disagree with how the school has handled a particular function on campus."

What was most notable about the testimony that was provided during the hearing on this bill was that student journalists and their faculty advisors came to testify in support of the bill, indicating that this will foster an environment for greater learning in journalism. If we expand the

freedom of expression of our student journalists and student publications, what we commonly might think is that it might create a situation where students are saying whatever they want, whenever they want. What this is actually creating in our learning environment is a place where student journalists are engaging in greater research; they are relying on facts; they are having discussions, debates and conversations that are based upon their research. That is absolutely what we should be encouraging our young people to do.

I am proud to sponsor this bill, and I encourage my colleagues to support the measure as well.

SENATOR SETTELMAYER:

After reading Senate Bill No. 420, initially, I had some concerns. However, after talking with certain people, I realize that this bill is actually trying to create a situation to promote more free speech. I will support this bill.

SENATOR HARRIS:

During the hearing in the Education Committee, there was conflicting testimony, and it sounded like the bill was going to result in different levels of speech based on different activities, particularly at the university level, not so much at the high school level. Upon conducting additional research and getting assurances from others, I understand that this bill is meant to clarify those standards to create one standard and that the sponsor is open to continue to clarify some of the confusing language in the bill. Today, I will be supporting Senate Bill No. 420.

SENATOR KIECKHEFER:

I also rise in strong support of Senate Bill No. 420. I think the issue over the control of institutions on their student publications is well-litigated and well-grounded in case law. The utilization of this legislation to put some guard rails around it to ensure there is structure that can be predetermined and understood in order to protect the rights of students to adequately express themselves and protect their ability to do so freely is critically important, especially in their younger years in the high school arena.

Additionally, I had growing concerns about the suppression of free speech on university campuses across the Country, primarily conservative speech, but speech of all sorts. The diversity of ideas seems to be the one area of diversity that we do not seem to value on college campuses as much as we once did. Providing these guard rails around student publications on university campuses will protect all speech for all students; therefore, this is important. I encourage my colleagues in joining me in supporting this bill.

Roll call on Senate Bill No. 420:

YEAS—21.

NAYS—None.

Senate Bill No. 420 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 437.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 437 changes the name of the State Board of Physical Therapy Examiners to the Nevada Physical Therapy Board to reflect that the Board no longer administers, but merely designates, the examinations as provided for in this bill. The measure revises the composition and duties of the Board. The Board may issue a citation to a licensee for certain violations of law or regulation.

A physical therapist must provide immediate supervision of a physical therapist technician while the technician performs the treatment. The Board must also adopt regulations prescribing the activities a physical therapist technician may perform only under the immediate supervision of a physical therapist.

The measure also combines similar provisions governing physical therapists and physical therapist assistants. A physical therapist and physical therapist assistant must use a certain designation. The Board may issue a licensure by endorsement of a physical therapist assistant.

The bill provides that if the Board is seeking an injunction against a person improperly holding himself or herself out as a licensed physical therapist or physical therapist assistant or practicing physical therapy, the Board must only show that the person violated existing law to establish that immediate and irreparable injury, lost or damage will result from the person's continued action.

Roll call on Senate Bill No. 437:

YEAS—21.

NAYS—None.

Senate Bill No. 437 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 439.

Bill read third time.

Senator Ratti moved that the bill be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senate Bill No. 442.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 442 is a deep bill; it has quite a bit of content. It makes various changes to the administrative provisions, eligibility criteria and the authority granted to the Governor's Office of Economic Development with respect to the issuance of tax credits and granting of partial abatements of taxes to new and expanding businesses.

The bill increases the percentage of the Statewide average wage that must be paid in order to be eligible for an abatement and requires that health care benefits be provided by all businesses approved for an abatement. That was a particularly important provision to me, because we are moving to a place now in our economic development efforts where it is time to raise the bar. We are going to make sure that every project has health benefits and that the wages are moving higher. Senate Bill No. 442 also establishes a new abatement program for projects located on multiple sites and making a capital investment of at least \$1 billion. Again, in that particular program, the wage level is increased to 120 percent.

It clarifies that commercial airlines are precluded from qualifying for the aviation abatement program. It clarifies provisions related to the requirement for at least 50 percent of the employees engaged in the construction of a project to be residents of this State; clarifies that a "project" only includes participants in a, "common business purpose or industry," and it revises provisions related to the payment and reimbursement of design fees required to determine cost of municipal improvements. It also revises definitions related to rail projects and authorizes counties and cities to undertake rail projects. Finally, the bill specifies certain conditions in which money held in a trust fund must be used to repay any bonds or other obligations issued by the State or a local government in connection with a qualified project.

Roll call on Senate Bill No. 442:

YEAS—21.

NAYS—None.

Senate Bill No. 442 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 447.

Bill read third time.

Remarks by Senators Cannizzaro and Settelmeyer.

SENATOR CANNIZZARO:

Senate Bill No. 447 authorizes a registered voter with a physical disability or who is 65 years of age or older to submit a written request to the appropriate county or city clerk for receipt of an absent ballot for all elections at which the registered voter is eligible to vote. Upon receiving such a request, the voter will be issued an absent ballot for each election that is conducted after the date the written request is submitted. The measure specifies that if the county clerk receives the request, he or she must also inform the city clerk, and if the city clerk receives the request, he or she must inform the county clerk.

The bill also permits any registered voter to request and vote an absent ballot for all elections held during the year he or she requests the absent ballot. A written request for an absent ballot may be made by mail or via an approved electronic transmission.

Senate Bill No. 447 clarifies existing provisions relating to the written statement of a person who, at the request of the registered voter, either marks and signs an absent ballot or assists the voter in marking and signing his or her absent ballot. Finally, Senate Bill No. 447 provides that if a requester of a permanent absentee ballot becomes "inactive" or is removed from the voter rolls at some point after the request is made, the county clerk shall no longer mail that voter an absent ballot.

The other thing that I wanted to note was that during our hearing in Committee and during the work session, there was an additional amendment that was proposed on this bill that would allow the county clerks to send a notice to anyone who requests an absentee ballot to verify their address prior to sending out the ballot. That language was not included in this amendment; however, I have confirmed with Legal and our Policy Research Analyst that it is currently permitted under statute, and they did make a reference to that in the bill. Our understanding is that the language from the proposed amendment is already included, and the reference should take care of that concern.

SENATOR SETTELMAYER:

I agree with my colleague from District 10. After looking at the information and the bill as is, the concerns from Sue Merriweather, Carson City, are addressed in NRS 293.250. The other concern from the Douglas County Clerk was that this is not on autopilot for everybody but that is already within existing statute, and that portion has not been changed. Senate Bill No. 447 does allow for individuals that are wheelchair bound to not have to submit on a regular basis, and I support that concept.

Roll call on Senate Bill No. 447:

YEAS—21.

NAYS—None.

Senate Bill No. 447 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 449.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 449 authorizes justice and municipal courts to establish treatment programs for offenders who are veterans or military members and to assign such offenders to those programs. The bill also provides that a defendant who is a veteran or member of the military is eligible for a treatment program if he or she is a victim of military sexual assault and would benefit from assignment to the program.

Persons who are charged with first misdemeanor offenses of battery constituting domestic violence or driving under the influence are eligible to be assigned to such a program and offenses that are conditionally dismissed in connection with the successful completion of such a program constitute prior offenses if a court must determine if the person is subject to an enhanced penalty after committing a subsequent offense. If a person commits no further offenses for seven years after the conditional dismissal of charges, the defendant may petition the court to have his or her records sealed, and the court must do so.

Roll call on Senate Bill No. 449:

YEAS—21.

NAYS—None.

Senate Bill No. 449 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 462.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 462 authorizes a board of county commissioners to create a committee to review the existing general improvement districts in the county to determine if the districts should be continued, modified, consolidated, merged or dissolved. Each committee is limited to reviewing not more than six general improvement districts in a county per year and must submit a report to the Legislative Commission on or before July 1 of each year regarding its activities and findings. The bill sets forth certain information that each general improvement district under review by a committee may be required to provide to the committee.

Roll call on Senate Bill No. 462:

YEAS—21.

NAYS—None.

Senate Bill No. 462 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 471.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 471 repeals the Nevada Improvement District Act and abolishes the last remaining district formed under the Act. The Douglas County Lake Tahoe Sewer Authority Act is established, and it creates the Douglas County Lake Tahoe Sewer Authority for the purpose of furnishing certain residents of this State with an adequate system of sewage collection and treatment and disposal of wastewater. The Authority is authorized to enter into certain interlocal cooperative agreements with general improvement districts. The Douglas County Lake Tahoe Sewer Authority assumes the debts, obligations, liabilities and assets of Douglas County Sewer Improvement District No. 1.

The bill requires the submission of the question of merger, consolidation or dissolution to the board of trustees of a general improvement district with annual revenues of more than \$1 million that was, on October 1, 2005, exercising any of three specified powers related to sanitary sewer improvements; the collection and disposal of garbage or refuse; or the supply, storage and distribution of water. If the board of trustees of the district does not agree to the merger, consolidation or dissolution within 90 days after the submission of the question to the board of trustees, existing law prohibits the merger, consolidation or dissolution of the district.

Roll call on Senate Bill No. 471:

YEAS—21.

NAYS—None.

Senate Bill No. 471 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 484.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 484 makes various changes related to the licensing of foster homes and revises the reasons for which a license to operate a foster home may be denied, suspended or revoked.

Roll call on Senate Bill No. 484:

YEAS—21.

NAYS—None.

Senate Bill No. 484 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 491.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 491 authorizes counties whose population is less than 100,000—currently all counties other than Clark and Washoe Counties—to lease mechanical voting systems and mechanical recording devices from the Secretary of State without the option to purchase such systems and devices. Under the bill, the county would agree to maintain and insure the machines for the duration of the lease agreement, but the State would retain ownership. Like existing provisions authorizing a lease-purchase option for voting systems, this option would require a two-year agreement between the county and the Secretary of State, with an exclusive option for the county to extend the term of the agreement for like periods of two years at a time. The measure provides that the aggregate of rental payments under the two-year agreement must not exceed 10 percent of the purchase price of the systems and devices described in the agreement. Only those mechanical voting systems and mechanical recording devices approved by the Secretary of State may be purchased, leased or used in Nevada.

Finally, Senate Bill No. 491 specifies that all rental payments received under the available lease options must be deposited into a separate account in the State General Fund. The funds must be used to pay the costs of replacing aging and outdated mechanical voting systems and mechanical recording devices in the future.

Roll call on Senate Bill No. 491:

YEAS—21.

NAYS—None.

Senate Bill No. 491 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 498.

Bill read third time.

The following amendment was proposed by Senator Atkinson:

Amendment No. 623.

SUMMARY—Revises provisions relating to mortgage brokers and mortgage bankers. (BDR 54-484)

AN ACT relating to mortgage lending; revising provisions relating to continuing education for mortgage brokers and mortgage agents; revising provisions for the examination of mortgage brokers and mortgage bankers; authorizing the Commissioner of Mortgage Lending to waive the monthly report of activity of a mortgage broker or mortgage banker; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a mortgage broker or mortgage agent to satisfy certain requirements for continuing education. (NRS 645B.051, 645B.430) Sections 1 and 3.5 of this bill eliminate a requirement that certain courses of continuing education for a mortgage broker or mortgage agent include at least 3 hours relating to the laws and regulations of this State.

Existing law requires the Commissioner of Mortgage Lending to perform annual examinations of mortgage brokers and mortgage bankers. (NRS 645B.060, 645E.300) Sections ~~4~~ 1.5 and 6 of this bill eliminate the requirement for an annual examination and instead require the Commissioner to conduct, at his or her discretion, standard examinations of a mortgage broker or mortgage banker.

Existing law requires each mortgage broker or mortgage banker to submit a monthly report of the activity of the mortgage broker or mortgage banker to the Commissioner. (NRS 645B.080, 645E.350) Sections 2 and 7 of this bill allow the Commissioner to waive this requirement if substantially similar information is available to the Commissioner from another source.

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

Section 1. NRS 645B.051 is hereby amended to read as follows:

645B.051 1. Except as otherwise provided in subsection 2, in addition to the requirements set forth in NRS 645B.050, to renew a license as a mortgage broker:

(a) If the licensee is a natural person, the licensee must submit to the Commissioner satisfactory proof that the licensee attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

(b) If the licensee is not a natural person, the licensee must submit to the Commissioner satisfactory proof that each natural person who supervises the daily business of the licensee attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

2. In lieu of the continuing education requirements set forth in paragraph (a) or (b) of subsection 1, a licensee or any natural person who supervises the daily business of the licensee who, pursuant to subsection 1 of NRS 645F.267, is not required to register or renew with the Registry and who

has not voluntarily registered or renewed with the Registry must submit to the Commissioner satisfactory proof that he or she attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires. The hours of continuing education required by this subsection must include ~~the~~ at least 2 hours relating to ethics.

~~(a) At least 3 hours relating to the laws and regulations of this State; and~~
~~(b) At least 2 hours relating to ethics.~~

3. As used in this section, "certified course of continuing education" means a course of continuing education which relates to the mortgage industry or mortgage transactions and which meets the requirements set forth by the Commissioner by regulation pursuant to NRS 645B.0138.

~~[Section 1.]~~ Sec. 1.5. NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage brokers and mortgage agents doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations:

(1) Setting forth the requirements for an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property. The regulations must include, without limitation, the minimum financial conditions that the investor must comply with before becoming an investor.

(2) Establishing reasonable limitations and guidelines on loans made by a mortgage broker to a director, officer, mortgage agent or employee of the mortgage broker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) ~~[Except as otherwise provided in subsection 4, conduct an annual examination]~~ *Conduct, at his or her discretion, standard examinations* of each mortgage broker doing business in this State ~~[- The annual examination]~~ *which* must include, without limitation, a formal exit review with the mortgage broker. The Commissioner shall adopt regulations prescribing:

(1) Standards for determining the rating of each mortgage broker based upon the results of ~~[the annual]~~ *a standard* examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until after a period of time set by the Commissioner to determine any objections made by the mortgage broker.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage brokers and mortgage agents. The Commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapters 363A and 363C of NRS.

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage brokers and mortgage agents meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage broker or mortgage agent shall pay a fee based on the rate established pursuant to NRS 645F.280.

~~{4. The Commissioner may conduct examinations of a mortgage broker, as described in paragraph (d) of subsection 2, on a biennial instead of an annual basis if the mortgage broker:~~

~~—(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;~~

~~—(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage broker;~~

~~—(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division; and~~

~~—(d) Does not maintain any trust accounts pursuant to NRS 645B.170 or 645B.175 or arrange loans funded by private investors.}~~

Sec. 2. NRS 645B.080 is hereby amended to read as follows:

645B.080 1. Each mortgage broker shall keep and maintain at all times at each location where the mortgage broker conducts business in this state complete and suitable records of all mortgage transactions made by the mortgage broker at that location. Each mortgage broker shall also keep and maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage broker.

2. ~~{Each}~~ *Except as otherwise provided in subsection 3, each* mortgage broker shall submit to the Commissioner each month a report of the mortgage broker's activity for the previous month. The report must:

(a) Specify the volume of loans arranged by the mortgage broker for the month or state that no loans were arranged in that month;

(b) Include any information required pursuant to NRS 645B.260 or pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. *The Commissioner may waive the requirement to submit a report pursuant to subsection 2 if substantially similar information is available to the Commissioner from another source.*

4. The Commissioner may adopt regulations prescribing accounting procedures for mortgage brokers handling trust accounts and the requirements for keeping records relating to such accounts.

~~{4.}~~ 5. Each mortgage broker who is required to register or voluntarily registers with the Registry shall submit to the Registry and the Commissioner a report of condition or any other report required by the Registry in the form and at the time required by the Registry.

Sec. 3. NRS 645B.260 is hereby amended to read as follows:

645B.260 1. If a mortgage broker maintains any accounts described in subsection 4 of NRS 645B.175 in which the mortgage broker deposits payments from a debtor on a loan secured by a lien on real property and, on the last day of any month, the debtor has failed to make two or more consecutive payments in accordance with the terms of the loan, the mortgage broker shall:

(a) Include in the report that the mortgage broker submits to the Commissioner pursuant to subsection 2 of NRS 645B.080 , *if any*, the information relating to delinquencies in payments and defaults that is required by the regulations adopted pursuant to subsection 2;

(b) Not later than 15 days after the last day of each such month, mail to the last known address of each investor who owns a beneficial interest in the loan a notice containing the information relating to delinquencies in payments and defaults that is required by the regulations adopted pursuant to subsection 2; and

(c) Comply with the provisions of this section each month on a continuing basis until:

(1) The debtor or the debtor's designee remedies the delinquency in payments and any default; or

(2) The lien securing the loan is extinguished.

2. The Commissioner:

(a) Shall adopt regulations prescribing the information relating to delinquencies in payments and defaults that a mortgage broker must include in his or her report to the Commissioner and in the notice mailed to investors pursuant to subsection 1. Such regulations may provide for variations between the information that a mortgage broker must include in his or her report to the Commissioner and the information that a mortgage broker must include in the notice mailed to investors.

(b) May adopt any other regulations that are necessary to carry out the provisions of this section.

Sec. 3.5. NRS 645B.430 is hereby amended to read as follows:

645B.430 1. A license as a mortgage agent issued pursuant to NRS 645B.410 expires each year on December 31, unless it is renewed. To renew a license as a mortgage agent, the holder of the license must continue to meet the requirements of subsection 3 of NRS 645B.410 and must submit to the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal;

(b) Except as otherwise provided in this section, satisfactory proof that the holder of the license as a mortgage agent attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires; and

(c) A renewal fee set by the Commissioner of not more than \$170.

2. In lieu of the continuing education requirement set forth in paragraph (b) of subsection 1, the holder of a license as a mortgage agent who, pursuant to subsection 1 of NRS 645F.267, is not required to register or renew with the Registry and who has not voluntarily registered or renewed with the Registry must submit to the Commissioner satisfactory proof that he or she attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires. The hours of continuing education required by this subsection must include ~~the~~

~~(a) At least 3 hours relating to the laws and regulations of this State; and~~

~~(b) At least 2 hours relating to ethics.~~

3. If the holder of the license as a mortgage agent fails to submit any item required pursuant to subsection 1 or 2 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the license is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license if the holder of the license submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of \$75.

4. To change the mortgage broker with whom the mortgage agent is associated, a person must pay a fee in an amount prescribed by regulation of the Commissioner, not to exceed \$50.

5. Money received by the Commissioner pursuant to this section is in addition to any fee that must be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

6. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Division or, if the licensee is required to register or voluntarily registers with the Registry, to the Division through the Registry.

7. Nothing in this section shall be construed as preventing the Commissioner from renewing the license of a mortgage agent who does not

satisfy the criteria set forth in paragraph (e) of subsection 1 of NRS 645B.410 at the time of the application for renewal.

8. As used in this section, "certified course of continuing education" has the meaning ascribed to it in NRS 645B.051.

Sec. 4. NRS 645B.690 is hereby amended to read as follows:

645B.690 1. If a person offers or provides any of the services of a mortgage broker or mortgage agent or otherwise engages in, carries on or holds himself or herself out as engaging in or carrying on the business of a mortgage broker or mortgage agent and, at the time:

(a) The person was required to have a license pursuant to this chapter and the person did not have such a license;

(b) The person was required to be registered with the Registry and the person was not so registered; or

(c) The person's license was suspended or revoked pursuant to this chapter, ➤ the Commissioner shall impose upon the person an administrative fine of not more than \$50,000 for each violation and, if the person has a license, the Commissioner may suspend or revoke it.

2. If a mortgage broker violates any provision of subsection 1 of NRS 645B.080 and the mortgage broker fails, without reasonable cause, to remedy the violation within 20 business days after being ordered by the Commissioner to do so or within such later time as prescribed by the Commissioner, or if the Commissioner orders a mortgage broker to provide information, make a report or permit an examination of his or her books or affairs pursuant to this chapter and the mortgage broker fails, without reasonable cause, to comply with the order within 20 business days or within such later time as prescribed by the Commissioner, the Commissioner shall:

(a) Impose upon the mortgage broker an administrative fine of not more than \$25,000 for each violation;

(b) Suspend or revoke the license of the mortgage broker; and

(c) Conduct a hearing to determine whether the mortgage broker is conducting business in an unsafe and injurious manner that may result in danger to the public and whether it is necessary for the Commissioner to take possession of the property of the mortgage broker pursuant to NRS 645B.630.

3. If a mortgage broker:

(a) Makes or offers for sale in this State any investments in promissory notes secured by liens on real property; and

(b) Receives the lowest possible rating on two consecutive ~~{annual or biennial}~~ examinations pursuant to NRS 645B.060, ➤ the Commissioner shall suspend or revoke the license of the mortgage broker.

Sec. 5. NRS 645E.030 is hereby amended to read as follows:

645E.030 "Commercial mortgage loan" means a loan *primarily for a business, commercial or agricultural purpose* that:

1. Directly or indirectly, is secured by a lien on commercial property; and

2. Is created with the consent of the owner of the commercial property.

Sec. 6. NRS 645E.300 is hereby amended to read as follows:

645E.300 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage bankers doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations establishing reasonable limitations and guidelines on loans made by a mortgage banker to a director, officer or employee of the mortgage banker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) ~~[Except as otherwise provided in subsection 4, conduct an annual examination]~~ Conduct, at his or her discretion, standard examinations of each mortgage banker doing business in this State.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage bankers.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapters 363A and 363C of NRS.

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage bankers meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage banker shall pay a fee based on the rate established pursuant to NRS 645F.280.

~~{4. The Commissioner may conduct biennial examinations of a mortgage banker instead of annual examinations, as described in paragraph (d) of subsection 2, if the mortgage banker:~~

~~— (a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;~~

~~— (b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage banker; and~~

~~— (c) Has not had any complaints received by the Division that resulted in any administrative action by the Division.]~~

Sec. 7. NRS 645E.350 is hereby amended to read as follows:

645E.350 1. Each mortgage banker shall keep and maintain at all times at each location where the mortgage banker conducts business in this State complete and suitable records of all mortgage transactions made by the mortgage banker at that location. Each mortgage banker shall also keep and maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage banker.

2. ~~Each~~ Except as otherwise provided in subsection 3, each mortgage banker shall submit to the Commissioner each month a report of the mortgage banker's activity for the previous month. The report must:

(a) Specify the volume of loans made by the mortgage banker for the month or state that no loans were made in that month;

(b) Include any information required pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. *The Commissioner may waive the requirement to submit a report pursuant to subsection 2 if substantially similar information is available to the Commissioner from another source.*

4. The Commissioner may adopt regulations prescribing accounting procedures for mortgage bankers handling trust accounts and the requirements for keeping records relating to such accounts.

~~{4.}~~ 5. A licensee who operates outside this State an office or other place of business which is licensed pursuant to this chapter shall:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➡ The licensee must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

~~{5.}~~ 6. Each mortgage banker who is required to register or voluntarily registers with the Registry shall submit to the Registry and the Commissioner a report of condition or any other report required by the Registry in the form and at the time required by the Registry.

Sec. 8. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 623 makes one dramatic change to Senate Bill No. 498; it eliminates the state-specific continuing education requirement for mortgage brokers and mortgage bankers.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 499.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 499 clarifies that certain requirements of forest practices and procedures only apply to logging operations, including the requirement for obtaining a variance for the felling of trees within 200 feet from a body of water.

Roll call on Senate Bill No. 499:

YEAS—21.

NAYS—None.

Senate Bill No. 499 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 509.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 509 authorizes the Division of Health Care Financing and Policy of the Department of Health and Human Services—after polling the operators of agencies to provide personal care services in the home and the operators of certain medical facilities in an operator group and receiving an affirmative vote from at least 67 percent of the group—to impose by regulation an assessment on those operators. The revenue generated must be expended to increase payments to Medicaid providers, unless new federal laws or regulations are enacted or adopted prohibiting the use of such revenue for these purposes.

The bill requires the Division to adopt regulations establishing administrative penalties for failure to pay an assessment. If an operator fails to pay a penalty or assessment within 30 days of the date on which it is due, the Division may deduct the unpaid amount from future payments owed to the operator by Medicaid. Before doing so, the Division must notify the operator of the intended deduction and may negotiate a payment plan.

Roll call on Senate Bill No. 509:

YEAS—21.

NAYS—None.

Senate Bill No. 509 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 3.

Resolution read third time.

Remarks by Senator Spearman.

Senate Joint Resolution No. 3 proposes to amend the *Nevada Constitution* to provide certain rights to voters. Specifically, Senate Joint Resolution No. 3 would add to the Constitution a list of rights for voters that is nearly identical to the declaration of voters' rights set forth in NRS 293.2546.

Included in the voters' rights set forth in Senate Joint Resolution No. 3 are the right to cast a ballot that is written in a format which allows the clear identification of candidates and accurately records the voter's selection of candidates; have questions concerning voting procedures answered; vote without being intimidated, threatened or coerced; vote during any period for early voting or on election day if the voter is waiting in line to vote at the time that the polls close; receive instruction on the use of voting equipment; have equal access to the elections system without discrimination; a uniform, Statewide standard for counting and recounting all votes accurately, and have complaints about elections and election contests resolved fairly, accurately and efficiently.

Roll call on Senate Joint Resolution No. 3:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 3 having received a constitutional majority, Mr. President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 4.

Resolution read third time.

Remarks by Senators Cannizzaro and Gansert.

SENATOR CANNIZZARO:

Senate Joint Resolution No. 4 addresses the impacts of the January 2010 Supreme Court ruling in *Citizens United v. Federal Election Commission* on the increasing costs of elections in the United States. The case struck down a portion of the 2002 Bipartisan Campaign Reform Act, commonly known as the McCain-Feingold Act, or "BCRA," which had restricted independent political expenditures by corporations and unions. Senate Joint Resolution No. 4 urges the Congress of the United States to propose an amendment to the United States Constitution to allow the governments of the United States and the individual states to regulate political contributions and expenditures.

SENATOR GANSERT:

I rise in opposition to Senate Joint Resolution No. 4. Freedom of speech is critical to our Country and to every individual's freedom. I think that this could oppress that right; therefore, I oppose this measure.

Roll call on Senate Joint Resolution No. 4:

YEAS—12.

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

Senate Joint Resolution No. 4 having received a constitutional majority, Mr. President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 469.

Bill read third time.

Remarks by Senators Ford and Roberson.

SENATOR FORD:

Assembly Bill No. 469 contains various provisions regarding the organization of a "large school district," which is defined as a school district that has more than 100,000 students enrolled in its public schools, currently the Clark County School District. Among other provisions, the bill repeals Assembly Bill 394, Chapter 543, *Statutes of Nevada*, from the 2015 Session and places in

statute the requirements for the reorganization of a large school district, including deeming each public school within such a district, other than a charter school or a university school for profoundly gifted pupils, to be a local school precinct that is operated under site-based decision-making and that has authority to carry out certain responsibilities that have traditionally been carried out by the district.

SENATOR ROBERSON:

I want to thank the Senate Majority Leader for working with me on this bill and working with me for the last two years on the interim Committee. I want to thank the several other members of this Body who served on that interim Committee. This is probably the best bill of the Session, so I encourage everyone to support Assembly Bill No. 469.

Roll call on Assembly Bill No. 469:

YEAS—21.

NAYS—None.

Assembly Bill No. 469 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 472.

Bill read third time.

Remarks by Senators Hammond and Kieckhefer.

SENATOR HAMMOND:

Senate Bill No. 472 sets forth a revised registration and community-notification process regarding a child who is 14 years of age or older at the time of an alleged offense and who is adjudicated delinquent for the offense. Procedures concerning exemption from registration and community-notification requirements for such juveniles are provided as are continuing registration and community-notification requirements for a child adjudicated delinquent for an aggravated sexual offense.

SENATOR KIECKHEFER:

I have struggled with trying to understand some of the implications that it may have for community notification. My concern is where there is discretion placed in the hands of the judge, in general, I support that. Some of the offenses that are left to the judge's discretion for future notification requirements are beyond what I can comfortably go for. In this case, I am going to have to err on the side of protecting the community at large, and I will be voting "no" on Senate Bill No. 472.

Roll call on Senate Bill No. 472:

YEAS—15.

NAYS—Cannizzaro, Goicoechea, Gustavson, Kieckhefer, Roberson, Settelmeyer—6.

Senate Bill No. 472 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 12.

Resolution read third time.

Remarks by Senators Cancela and Settelmeyer.

SENATOR CANCELA:

Senate Joint Resolution No. 12 rescinds Senate Joint Resolution 1 of the 2015 Legislative Session and declares Nevada's support and encouragement of the retention of federal management and control of federal public lands in Nevada. The resolution requires the Secretary of the Senate

to transmit a copy of Senate Joint Resolution No. 12 to the President of the United States, the Vice President as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Governor and each member of Nevada's Congressional Delegation.

SENATOR SETTELMAYER:

Senate Joint Resolution No. 12 directly reverses Senate Joint Resolution 1 of the 78th Session. That bill was supported by many individuals who have constituencies who utilize these lands and have come to the determination that there are some over the years that are already slated for dispersal. What Senate Joint Resolution 1 indicated was that those lands were already indicated for dispersal—railroad lands, checkerboard lands, lands where schools are already existing or have already been reserved—should be transferred back to the State so that they could be handled as needed. In that respect, I oppose Senate Joint Resolution No. 12.

Roll call on Senate Joint Resolution No. 12:

YEAS—12.

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

Senate Joint Resolution No. 12 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 374.

Bill read third time.

The following amendment was proposed by Senator Segerblom:

Amendment No. 625.

SUMMARY—Revises provisions relating to the use of marijuana or industrial hemp. (BDR 40-185)

AN ACT relating to cannabis; revising the medical conditions for which a person may obtain a registry identification card; prohibiting a professional licensing board from taking disciplinary action against a licensee who holds a registry identification card or engages in certain lawful activities relating to marijuana; authorizing the use of a marijuana-infused product or product containing industrial hemp by a provider of health care or massage therapist on a patient or client; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to obtain a registry identification card to engage in the medical use of marijuana if, in addition to other requirements, the person submits valid, written documentation from the person's attending physician stating that the person has been diagnosed with a chronic or debilitating medical condition. (NRS 453A.210) Section 1 of this bill includes opioid addiction within the definition of "chronic or debilitating medical condition." (NRS 453A.050)

Existing law prohibits a professional licensing board from taking disciplinary action against a person licensed by the board on the basis that the person engages in the medical use of marijuana or acts as a designated primary caregiver for a person who holds a registry identification card or letter of approval. (NRS 453A.510) Section 1.5 of this bill prohibits a professional licensing board from taking disciplinary action against a person licensed by

the board on the basis that the person holds a validly issued registry identification card or engages in lawful activity, pursuant to the person's licensed profession, relating to the medical use of marijuana or to a registered medical marijuana establishment. Section 2 of this bill prohibits a professional licensing board from taking disciplinary action on the basis that the person engages in lawful activity, pursuant to the person's licensed profession, relating to: (1) the recreational use of marijuana; or (2) a licensed marijuana establishment.

Existing law exempts a person who holds a valid registry identification card from state prosecution for possession, delivery and production of marijuana. (NRS 453A.200) Section 3.3 of this bill authorizes a provider of health care or massage therapist to: (1) administer a marijuana-infused product or a similar product containing industrial hemp for topical use on human skin to a patient or client if the patient or client provides the product for administration; (2) maintain a supply of products containing industrial hemp for topical use on human skin and administer such a product to a patient or client upon request; and (3) recommend the use of marijuana or industrial hemp by a patient or client to treat a condition. ~~Section 3.3 also exempts a provider of health care or massage therapist from certain crimes for making such an administration or recommendation. Finally, section~~ Section 3.3 also prohibits a professional licensing board from taking disciplinary action against a provider of health care or massage therapist for making such an administration or recommendation.

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

Section 1. NRS 453A.050 is hereby amended to read as follows:

453A.050 "Chronic or debilitating medical condition" means:

1. Acquired immune deficiency syndrome;
2. Cancer;
3. Glaucoma;
4. *Opioid addiction*;
5. A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:
 - (a) Cachexia;
 - (b) Persistent muscle spasms, including, without limitation, spasms caused by multiple sclerosis;
 - (c) Seizures, including, without limitation, seizures caused by epilepsy;
 - (d) Severe nausea; or
 - (e) Severe pain; or
- ~~{5.}~~ 6. Any other medical condition or treatment for a medical condition that is:
 - (a) Classified as a chronic or debilitating medical condition by regulation of the Division; or
 - (b) Approved as a chronic or debilitating medical condition pursuant to a petition submitted in accordance with NRS 453A.710.

Sec. 1.5. NRS 453A.510 is hereby amended to read as follows:

453A.510 A professional licensing board shall not take any disciplinary action against a person licensed by the board on the basis that:

1. The person engages in or has engaged in the medical use of marijuana in accordance with the provisions of this chapter; ~~for~~
2. *The person holds a registry identification card issued to him or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220;*
3. *The person engages in any lawful activity, pursuant to the person's licensed profession, which:*
 - (a) *Is authorized by this chapter; or*
 - (b) *Relates to a medical marijuana establishment which is registered with the Division pursuant to this chapter;*
4. *If the person is a provider of health care, as defined in NRS 629.031, the person advises a patient about the possible risks and benefits of the medical use of marijuana or that the medical use of marijuana may mitigate the symptoms or effects of the patient's chronic or debilitating medical condition, if the advice is based on the person's personal assessment of the patient's medical history and current medical condition; or*
5. The person acts as or has acted as the designated primary caregiver of a person who holds a registry identification card or letter of approval issued to him or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220.

Sec. 2. Chapter 453D of NRS is hereby amended by adding thereto a new section to read as follows:

A professional licensing board shall not take any disciplinary action against any person licensed by the board on the basis that, pursuant to the person's licensed profession, the person engages in or has engaged in any lawful activity which:

1. *Is authorized by this chapter; or*
2. *Relates to a marijuana establishment which is licensed pursuant to this chapter.*

Sec. 3. (Deleted by amendment.)

Sec. 3.3. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A provider of health care or massage therapist may:*
 - (a) *Administer a marijuana-infused product or a product containing industrial hemp which is intended for topical use on human skin, including, without limitation, an ointment, oil or lotion, to a patient or client if the patient or client provides the product to the provider of health care or massage therapist to administer to the patient or client;*
 - (b) *Maintain a supply of products containing industrial hemp which are intended for topical use on human skin and administer such a product to a patient or client upon request; and*
 - (c) *Recommend to a patient or client the use of marijuana or industrial hemp to treat a condition.*

2. ~~[A provider of health care or massage therapist who administers a marijuana-infused product or a product containing industrial hemp or recommends the use of marijuana or industrial hemp pursuant to subsection 1 is exempt from state prosecution for:~~

- ~~— (a) Possession, delivery or production of marijuana or industrial hemp;~~
 - ~~— (b) Possession or delivery of paraphernalia;~~
 - ~~— (c) Aiding and abetting another in the possession, delivery or production of marijuana or industrial hemp;~~
 - ~~— (d) Aiding and abetting another in the possession or delivery of paraphernalia;~~
 - ~~— (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and~~
 - ~~— (f) Any other criminal offense in which the possession, delivery or production of marijuana or industrial hemp or the possession or delivery of paraphernalia is an element~~
- ~~— for such an administration or recommendation.~~

~~3.]~~ A professional licensing board shall not take any disciplinary action against a provider of health care or massage therapist licensed by the board on the basis that the person has administered a marijuana-infused product or a product containing industrial hemp or recommended the use of marijuana or industrial hemp pursuant to subsection 1.

~~[4.]~~ 3. As used in this section:

- (a) "Industrial hemp" has the meaning ascribed to it in NRS 557.040.
- (b) "Marijuana" has the meaning ascribed to it in NRS 453.096.
- (c) "Marijuana-infused product" has the meaning ascribed to it in NRS 453A.112.
- (d) "Massage therapist" means a person who is licensed to engage in the practice of massage therapy pursuant to chapter 640C of NRS.
- ~~[(e) "Paraphernalia" has the meaning ascribed to it in NRS 453A.125.]~~

Sec. 3.7. NRS 629.580 is hereby amended to read as follows:

629.580 1. A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:

- (a) Performs surgery or any other procedure which punctures the skin of any person;
- (b) Sets a fracture of any bone of any person;
- (c) Prescribes or administers X-ray radiation to any person;
- (d) ~~[Prescribes]~~ Except as otherwise provided in section 3.3 of this act, prescribes or administers a prescription drug or device or a controlled substance to any person;
- (e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;
- (f) Makes a diagnosis of a medical disease of any person;

(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;

(h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;

(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;

(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;

(k) Performs massage therapy as that term is defined in NRS 640C.060; or

(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS.

2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:

(a) The person's name, business address and telephone number;

(b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;

(c) The nature of the wellness services to be provided;

(d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and

(e) A statement in substantially the following form:

It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

➡ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

(a) Are unable to read;

(b) Are blind or visually impaired;

(c) Have communication impairments; or

(d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant, as that term is defined in NRS 630.0129 and 633.075, an advanced practitioner of homeopathy, as that term is defined in NRS 630A.015, or a homeopathic assistant, as that term is defined in NRS 630A.035.

7. As used in this section, "wellness services" means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:

(a) Anthroposophy.

(b) Aromatherapy.

(c) Traditional cultural healing practices.

(d) Detoxification practices and therapies.

(e) Energetic healing.

(f) Folk practices.

(g) Gerson therapy and colostrum therapy.

(h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.

(i) Herbology and herbalism.

(j) Reflexology and Reiki.

(k) Mind-body healing practices.

(l) Nondiagnostic iridology.

(m) Noninvasive instrumentalities.

(n) Holistic kinesiology.

Sec. 4. This act becomes effective on July 1, 2017.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 625 to Senate Bill No. 374 removes a section of the bill for clarification purposes. The bill intended to protect massage therapists who use oils or other substances containing marijuana for therapy from prosecution. The way the language read in the bill was too broad and made it appear they could do what they wanted and not be arrested by the police.

Amendment adopted.

Senator Segerblom moved that all necessary rules be suspended, that the reprinting of the bill be dispensed with, and that the Secretary be authorized to insert Amendment No. 625 adopted by the Senate, and that the bill be placed on the General File and considered next.

Motion carried.

Bill read third time.

Remarks by Senators Segerblom and Hardy.

SENATOR SEGERBLOM:

Senate Bill No. 374 prohibits a professional licensing board from taking disciplinary action against a licensee for holding a valid marijuana-registry card or for engaging in lawful actions pursuant to the licensee's profession that relate to the use of medical marijuana. The bill sets forth similar provisions related to the use of recreational marijuana.

The bill also includes opioid addiction within the definition of "chronic or debilitating medical condition" for the purposes of obtaining a medical-marijuana-registry identification card. Additionally, the bill authorizes a provider of health care or a massage therapist to administer a marijuana-infused product or a similar product containing industrial hemp for topical use on human skin to a patient or client if the patient or client provides the product; maintain a supply of products containing industrial hemp for topical use on human skin and administer such a product to a patient or client upon request, and recommend to a patient or client the use of marijuana or industrial hemp to treat a condition.

Finally, the bill exempts a provider of health care or a massage therapist from certain crimes for making such an administration or recommendation and prohibits a professional licensing board from taking disciplinary action against a provider of health care or a massage therapist for making such an administration or recommendation.

SENATOR HARDY:

As I look at this, I think we are proposing to put in statute with Senate Bill No. 374, a treatment of an opioid addiction by an addicting substance, marijuana. I do not think that we really have the good science behind that nor do we have the providers of health care narrow enough to recommend the whole process anyway.

Roll call on Senate Bill No. 374:

YEAS—12.

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

Senate Bill No. 374 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 219.

Bill read third time.

The following amendment was proposed by Senator Woodhouse:

Amendment No. 624.

SUMMARY—Revises provisions relating to radiation. (BDR 40-889)

AN ACT relating to radiation; providing for the Division of Public and Behavioral Health of the Department of Health and Human Services and the State Board of Health to regulate tanning equipment operated in a tanning establishment; authorizing the Division to suspend, revoke or amend the license or registration of a person who violates certain provisions; establishing the Radiologic Imaging and Radiation Therapy Advisory Committee; requiring certain persons to obtain a license from the Division before engaging in radiation therapy or radiologic imaging; authorizing the Division to issue a limited license to engage in radiologic imaging; authorizing the holders of licenses and limited licenses to perform certain tasks; prescribing the requirements for the issuance and renewal of licenses and limited licenses; authorizing certain persons to practice as radiologist assistants; prescribing additional qualifications for a person to be authorized to perform certain types of radiation therapy and radiologic imaging; authorizing the Division to conduct an inspection for certain purposes; authorizing the Division to impose disciplinary action or seek an injunction in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations for the control of sources of ionizing radiation. (NRS 459.201) Existing law also authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to require the registration and inspection of sources of ionizing radiation and impound a source of ionizing radiation in an emergency. (NRS 459.260) Sections 3, 4 and 5 of this bill make these provisions applicable to tanning equipment operated in tanning establishments as well. Section 8 of this bill makes it a misdemeanor to operate unregistered tanning equipment in a tanning establishment.

Existing law prohibits the owner or operator of a tanning establishment or tanning equipment from allowing a person who is less than 18 years of age from using the tanning equipment of the tanning establishment. (NRS 597.7617) Existing law also imposes certain other duties on the owner or operator of a tanning establishment or tanning equipment. (NRS 597.7617-597.762) Sections 3, 4, 6 and 7 of this bill authorize the State Board and the Division to enforce these provisions. Section 8 makes the failure to perform these duties a misdemeanor.

Existing law requires the State Board to adopt regulations for the licensing of persons to: (1) receive, possess or transfer radioactive materials and devices; and (2) engage in certain other activities relating to radioactive materials. (NRS 459.201) Section 6 of this bill authorizes the Division to suspend, revoke or amend the license or registration of any person who violates any provision of statute or regulations governing radioactive materials, radiation or tanning establishments.

Sections 11-44 of this bill enact provisions for the licensing and regulation of persons who engage in radiation therapy or radiologic imaging. Section 27 of this bill provides that certain providers of health care, including chiropractor's assistants, are exempt from such licensing and regulation. Section 46 of this bill: (1) authorizes a chiropractor's assistant to perform radiography within the practice of chiropractic if he or she has successfully completed certain training; and (2) prohibits a chiropractor's assistant from otherwise engaging in radiation therapy or radiologic imaging.

Section 30 of this bill prohibits a person from engaging in: (1) radiologic imaging unless he or she has obtained a license or limited license from the Division; or (2) radiation therapy unless he or she had obtained a license from the Division. Section 30 also provides for the issuance of provisional licenses and provisional limited licenses to certain persons. Sections 31 and 32 of this bill prescribe the qualifications for obtaining a license or a limited license. Section 32 also establishes the types of limited licenses that may be issued. Sections 33 and 43 of this bill provide for the denial or suspension of a license or a limited license if the licensee is delinquent in child support payments, in conformance with federal law. Section 34 of this bill authorizes certain holders of a license to engage in radiation therapy or radiologic imaging to practice as a radiologist assistant. Sections 1.1 and 48 of this bill authorize the holder of a license to engage in radiation therapy or radiologic imaging or a person training to obtain such a license to take certain actions with regard to drugs to the same extent as was previously authorized for a radiologic or nuclear medicine technician or trainee. Section 1.2 of this bill authorizes the suspension or revocation of a license to engage in radiation therapy or radiologic imaging if the holder of the license is convicted of certain crimes involving dangerous drugs.

Section 35 of this bill authorizes: (1) an unlicensed person to engage in radiation therapy or radiologic imaging without compensation; or (2) a licensee to practice outside the scope of his or her license under supervision for the purpose of qualifying for a certification that is a prerequisite for being licensed. Section 35 also authorizes the Division to issue a temporary student license, which authorizes an unlicensed person to engage in radiation therapy or radiologic imaging for compensation for the purpose of qualifying for certification that is a prerequisite for being licensed.

Sections 37-39 of this bill prescribe the required qualifications to perform computed tomography, fluoroscopy and mammography, respectively. Section 1.5 of this bill removes a requirement in existing law that a person obtain a certificate of authorization to operate a radiation machine for mammography before operating a radiation machine for mammography. (NRS 457.183) Sections 1.3, 1.7, 1.8 and 57 of this bill remove references to such certificates. section 1.6 of this bill makes a conforming change. Section 36 of this bill authorizes a person who is currently practicing radiation therapy, radiologic imaging, computed tomography, mammography or

fluoroscopy to continue to do so without meeting the requirements of this bill if he or she registers with the Division and meets certain other requirements.

Section 40 of this bill authorizes the Division to inspect any building for the purpose of enforcing the provisions of this bill governing radiation therapy and radiologic imaging. Section 41 of this bill: (1) prescribes the grounds for disciplinary action against a holder of a license or limited license; and (2) authorizes a person whose license has been revoked to apply to the Division for reinstatement after 2 years. Section 42 of this bill requires the Division to: (1) investigate a complaint filed against a licensee; and (2) provide a licensee against whom disciplinary action may be imposed with the opportunity for a hearing. Section 44 of this bill authorizes the Division to seek an injunction to prevent a violation of provisions of this bill governing the licensing and regulation of persons who engage in radiation therapy or radiologic imaging. Section 44 also provides that a person who violates any such provision is guilty of a misdemeanor.

Section 28 of this bill establishes the Radiologic Imaging and Radiation Therapy Advisory Committee to: (1) review regulations of the Division concerning radiation therapy and radiologic imaging; and (2) advise the Division and the Legislature concerning radiation therapy and radiologic imaging.

Existing law requires the Legislative Committee on Health Care to review each regulation that certain licensing entities adopt which relates to standards for the issuance or renewal of a license. (NRS 439B.225) Section 1 of this bill requires the Committee to review regulations relating to the standards for the issuance of a full license or limited license under the provisions of this bill. Sections 8.05-8.75, 8.85, 45, 46 and 51-54 of this bill make certain provisions governing reporting concerning other providers of health services apply to the holders of licenses and limited licenses.

Existing law prohibits the Division from issuing or renewing the registration of a radiation machine unless the applicant attests that the radiologic technicians and nuclear medicine technicians employed by the applicant have knowledge of and are in compliance with certain guidelines for the prevention of transmission of infection agents. (NRS 459.035) Section 3.5 of this bill deletes those provisions and instead requires the operator of a radiation machine to be properly licensed and in compliance with the provisions of this bill concerning radiation therapy and radiologic imaging. Section 30 of this bill requires a person to have knowledge of and be in compliance with those guidelines in order to obtain or renew a license or limited license.

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

Section 1. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A,

635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS ~~to~~ *or sections 11 to 44, inclusive, of this act.*

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

- (a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;
- (b) The effect of the regulation on the cost of health care in this State;
- (c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and
- (d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 1.1. NRS 454.213 is hereby amended to read as follows:

454.213 1. A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

- (a) A practitioner.
- (b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.
- (c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

↪ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A ~~{nuclear medicine technologist,}~~ *person licensed pursuant to section 31 of this act*, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) ~~{A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.~~

~~{(o)}~~ A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

~~{(p)}~~ (o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

~~{{(q)}}~~ (p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

~~{{(r)}}~~ (q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

~~{{(s)}}~~ (r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

~~{{(t)}}~~ (s) A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809.

~~{{(u)}}~~ (t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician *or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to section 31 of this act* if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, ~~nuclear medicine technologist, radiologic technologist,~~ physical therapist or veterinary technician *or person licensed to engage in radiation therapy and radiologic imaging* who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

~~{{(v)}}~~ (u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 1.2. NRS 454.361 is hereby amended to read as follows:

454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638 or 639 of NRS ~~or sections 11 to 44, inclusive, of this act.~~

Sec. 1.3. NRS 457.065 is hereby amended to read as follows:

457.065 The State Board of Health shall adopt regulations for the administration of this chapter which include, without limitation, standards for the ~~for~~:

~~1. Training and performance of a person who operates a radiation machine for mammography which are at least as stringent as the requirements for accreditation established by the American College of Radiology.~~

~~2. Inspection} inspection and authorization of a radiation machine for mammography which are at least as stringent as the requirements for accreditation established by the American College of Radiology.~~

Sec. 1.5. NRS 457.183 is hereby amended to read as follows:

457.183 1. A person shall not operate a radiation machine for mammography unless the person:

(a) ~~[Has a certificate of authorization to operate a radiation machine issued by the Division;] Meets the requirements of section 36 or 39 of this act; or~~

(b) Is licensed pursuant to chapter 630 or 633 of NRS.

2. ~~[To obtain a certificate of authorization to operate a radiation machine for mammography, a person must:~~

~~(a) Submit an application to the Division on a form provided by the Division and provide any additional information required by the Division;~~

~~(b) Be certified by the American Registry of Radiologic Technologists or meet the standards established by the Division pursuant to subsection 1 of NRS 457.065;~~

~~(c) Pass an examination if the Division determines that an examination for certification is necessary to protect the health and safety of the residents of this State;~~

~~(d) Submit the statement required pursuant to NRS 457.1833; and~~

~~(e) Pay the fee required by the Division, which must be calculated to cover the administrative costs directly related to the process of issuing the certificates.~~

~~3. An application for the issuance of a certificate of authorization to operate a radiation machine for mammography must include the social security number of the applicant.~~

~~4. The Division shall certify a person to operate a radiation machine for mammography if the person complies with the provisions of subsection 2 and meets the standards adopted pursuant to subsection 1 of NRS 457.065.~~

~~—5. A certificate of authorization to operate a radiation machine for mammography expires 3 years after the date on which it was issued unless it is renewed before that date. The Division shall require continuing education as a prerequisite to the renewal of a certificate and shall charge a fee for renewal that is calculated to cover the administrative costs directly related to the renewal of a certificate.~~

~~—6.} A person who is {certified} authorized by subsection 1 to operate a radiation machine for mammography {pursuant to this section} shall not operate such a machine without a valid certificate of authorization issued pursuant to NRS 457.184 for the machine.~~

Sec. 1.6. NRS 457.184 is hereby amended to read as follows:

457.184 1. The owner, lessee or other responsible person shall not ~~{operate or}~~ allow to be operated a radiation machine for mammography unless he or she:

(a) Has a valid certificate of authorization from the Division for the machine; and

(b) Is accredited by the American College of Radiology or meets the standards established by the State Board of Health pursuant to ~~{subsection 2 of}~~ NRS 457.065.

2. To obtain a certificate of authorization from the Division for a radiation machine for mammography, a person must:

(a) Submit an application to the Division on a form provided by the Division;

(b) Provide any additional information required by the Division; and

(c) Pay the fee required by the Division which must be calculated to cover the administrative costs directly related to the process of issuing the certificates.

3. After an inspection, the Division shall issue a certificate of authorization for a radiation machine for mammography if the machine:

(a) Meets the standards adopted by the State Board of Health pursuant to ~~{subsection 2 of}~~ NRS 457.065;

(b) Is specifically designed to perform mammography; and

(c) Is used to perform mammography and may be used for screening, diagnostic or therapeutic purposes.

4. A certificate of authorization for a radiation machine for mammography expires 1 year after the date on which it was issued unless renewed before that date. The Division may require an inspection of the machine as a prerequisite to renewal of a certificate and shall charge a fee for renewal that is calculated to cover the administrative costs directly related to the process of renewing certificates.

5. A person who owns or leases or is otherwise responsible for more than one radiation machine for mammography shall obtain a certificate of authorization for each radiation machine.

Sec. 1.7. NRS 457.185 is hereby amended to read as follows:

457.185 1. The Division shall grant or deny an application for ~~for a certificate of authorization to operate a radiation machine for mammography or~~ a certificate of authorization for a radiation machine for mammography within 4 months after receipt of a complete application.

2. ~~The Division shall withdraw the certificate of authorization to operate a radiation machine for mammography if it finds that the person violated the provisions of subsection 6 of NRS 457.183.~~

~~3.~~ The Division shall deny or withdraw the certificate of authorization of a radiation machine for mammography if it finds that the owner, lessee or other responsible person violated the provisions of subsection 1 of NRS 457.184.

~~4.~~ 3. If ~~for a certificate of authorization to operate a radiation machine for mammography or~~ a certificate of authorization for a radiation machine for mammography is withdrawn, a person must apply for the certificate in the manner provided for an initial certificate.

Sec. 1.8. NRS 457.186 is hereby amended to read as follows:

457.186 Upon request, the Division shall hold an administrative hearing concerning the denial or withdrawal of ~~for an application for a certificate of authorization to operate a radiation machine for mammography or~~ a certificate of authorization for a radiation machine for mammography.

Sec. 1.9. NRS 459.010 is hereby amended to read as follows:

459.010 As used in NRS 459.010 to 459.290, inclusive, unless the context requires otherwise:

1. "By-product material" means:

(a) Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or making use of special nuclear material; and

(b) The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore which is processed primarily for the extraction of the uranium or thorium.

2. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

3. "General license" means a license effective pursuant to regulations adopted by the State Board of Health without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment for utilizing, by-product material, source material, special nuclear material or other radioactive material occurring naturally or produced artificially.

4. "Ionizing radiation" means gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons and other nuclear particles, but not sound or radio waves, or visible, infrared or ultraviolet light.

5. "Person" includes any agency or political subdivision of this State, any other state or the United States, but not the Nuclear Regulatory Commission or its successor, or any federal agency licensed by the Nuclear Regulatory Commission or any successor to such a federal agency.

6. "Source material" means:

(a) Uranium, thorium or any other material which the Governor declares by order to be source material after the Nuclear Regulatory Commission or any successor thereto has determined that material to be source material.

(b) Any ore containing one or more of the materials enumerated in paragraph (a) in such concentration as the Governor declares by order to be source material after the Nuclear Regulatory Commission or any successor thereto has determined the material in the concentration to be source material.

7. "Special nuclear material" means:

(a) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235 and any other material which the Governor declares by order to be special nuclear material after the Nuclear Regulatory Commission or any successor thereto has determined such material to be special nuclear material, but does not include source material.

(b) Any material artificially enriched by any of the materials enumerated in paragraph (a), but does not include source material.

8. "Specific license" means a license issued pursuant to the filing of an application to use, manufacture, produce, transfer, receive, acquire, own or possess quantities of, or devices or equipment for utilizing, by-product material, source material, special nuclear material or other radioactive material occurring naturally or produced artificially.

9. *"Tanning equipment" has the meaning ascribed to it in NRS 597.7615.*

10. *"Tanning establishment" has the meaning ascribed to it in NRS 597.7616.*

Sec. 2. NRS 459.020 is hereby amended to read as follows:

459.020 The Division is hereby designated as the state radiation control agency, and is authorized to take all action necessary or appropriate to carry out the provisions of NRS 459.010 to 459.290, inclusive ~~and~~, *and 597.761 to 597.7622, inclusive.*

Sec. 3. NRS 459.030 is hereby amended to read as follows:

459.030 For the protection of public health and safety, the Division shall:

1. Develop and conduct programs for the evaluation of and response to hazards associated with the use of sources of ionizing radiation ~~and~~ *and tanning equipment operated in tanning establishments.*

2. Develop programs and formulate, with due regard for compatibility with federal programs, regulations for adoption by the State Board of Health regarding:

(a) Licensing and regulation of by-product materials, source materials, special nuclear materials and other radioactive materials, including radioactive waste.

(b) Control of other sources of ionizing radiation ~~and~~ *and tanning equipment operated in tanning establishments.*

3. Adopt such regulations as may be necessary to administer the provisions of NRS 459.010 to 459.290, inclusive ~~and~~, *and 597.761 to 597.7622, inclusive.*

4. Collect and disseminate information relating to control of sources of ionizing radiation ~~{,} and tanning equipment operated in tanning establishments,~~ including:

(a) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions and revocations.

(b) Maintenance of a file of registrants possessing sources of ionizing radiation *and operating tanning equipment in a tanning establishment* which require registration pursuant to the provisions of NRS 459.010 to 459.290, inclusive. The file must include a record of any administrative or judicial action pertaining to such registrants.

(c) Maintenance of a file of all regulations, pending or promulgated, relating to the regulation of sources of ionizing radiation ~~{,} and tanning equipment operated in tanning establishments,~~ and any proceedings pertaining to the regulations.

Sec. 3.5. NRS 459.035 is hereby amended to read as follows:

459.035 The Division shall not issue or renew the registration of a radiation machine pursuant to regulations adopted by the State Board of Health unless the applicant for issuance or renewal of the registration attests that the ~~{radiologic technologists and nuclear medicine technologists}~~ *persons* employed by the applicant ~~{have knowledge of and are in compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.}~~ *to operate the radiation machine are properly licensed pursuant to sections 11 to 44, inclusive, of this act and are in compliance with the provisions of those sections.*

Sec. 4. NRS 459.050 is hereby amended to read as follows:

459.050 1. Any authorized representative of the Division may enter at any reasonable time upon any private or public property for the purpose of determining whether there is compliance with or violation of the provisions of NRS 459.010 to 459.290, inclusive, *or 597.761 to 597.7622, inclusive,* or of the rules and regulations promulgated ~~{under NRS 459.010 to 459.290, inclusive,}~~ *pursuant thereto,* and the owner, occupant or person in charge of such property shall permit such entry and inspection.

2. Entry into areas under the jurisdiction of the Federal Government shall be effected only with the concurrence of the Federal Government or its duly designated representative.

3. Any report of investigation or inspection, or any information concerning trade secrets or secret industrial processes obtained under NRS 459.010 to 459.290, inclusive, *and 597.761 to 597.7622, inclusive,* shall not be disclosed or opened to public inspection except as otherwise provided in NRS 239.0115 or as may be necessary for the performance of the functions of the State Board of Health.

Sec. 5. NRS 459.201 is hereby amended to read as follows:

459.201 1. The State Board of Health shall, with due regard for compatibility with federal programs, adopt regulations for:

(a) General or specific licensing of persons to receive, possess or transfer radioactive materials, or devices or equipment utilizing such materials. Every such regulation shall provide for amendment, suspension or revocation of licenses.

(b) Licensing and regulation of by-product materials, source materials, special nuclear materials and other radioactive materials, including radioactive waste.

(c) Control of other sources of ionizing radiation ~~and tanning equipment operated in tanning establishments.~~

2. The Division may require:

(a) Registration and inspection of sources of ionizing radiation which do not require specific licensing ~~and tanning equipment operated in tanning establishments.~~

(b) Compliance with specific standards to be promulgated by the State Board of Health.

3. The State Board of Health may exempt certain sources of ionizing radiation ~~or kinds of uses or users of such sources,~~ from the licensing or registration requirements set forth in this section if the Board makes a finding that the exemption of such sources of ionizing radiation ~~or kinds of uses or users of such sources,~~ will not constitute a significant risk to the health and safety of the public.

4. Regulations promulgated pursuant to NRS 459.010 to 459.290, inclusive, may provide for recognition of such other state or federal licenses as the State Board of Health may consider desirable, subject to such registration requirements as the State Board of Health may prescribe.

Sec. 6. NRS 459.260 is hereby amended to read as follows:

459.260 1. *The Division may suspend, revoke or amend a license or registration issued pursuant to NRS 459.201 to a person who has violated any provision of NRS 459.010 to 459.290, inclusive, or 597.761 to 597.762, inclusive, or any rule, regulation or order issued pursuant thereto.*

2. In the event of an emergency, the Division may impound, or order the impounding of, sources of ionizing radiation *or tanning equipment being operated in a tanning establishment* in the possession of any person who is not equipped to observe, or who fails to observe, any provision of NRS 459.010 to 459.290, inclusive, *or 597.761 to 597.762, inclusive,* or any rules or regulations issued ~~under NRS 459.010 to 459.290, inclusive,~~ pursuant thereto.

Sec. 7. NRS 459.270 is hereby amended to read as follows:

459.270 1. If, in the judgment of the Division, any person is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of NRS 459.010 to 459.290, inclusive, *or 597.761 to 597.762, inclusive,* or any rule, regulation or order issued ~~under NRS 459.010 to 459.290, inclusive,~~ pursuant thereto, the Division may request the Attorney General to apply to the district court for an order enjoining such act or practice, or for an order directing compliance with any provision

of NRS 459.010 to 459.290, inclusive, *and 597.761 to 597.7622, inclusive*, or any rule, regulation or order issued ~~[under NRS 459.010 to 459.290, inclusive.]~~ *pursuant thereto*.

2. Upon a showing by the Division that such person has engaged in or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order or other appropriate order may be granted by the court.

Sec. 8. NRS 459.290 is hereby amended to read as follows:

459.290 Every person is guilty of a misdemeanor who:

1. Uses, manufactures, produces, or knowingly transports, transfers, receives, acquires, owns or possesses any source of ionizing radiation which has not been licensed or registered in accordance with the provisions of NRS 459.010 to 459.290, inclusive, and the regulations adopted ~~[under them.]~~ *pursuant thereto or operates tanning equipment which has not been so registered in a tanning establishment.*

2. Violates any of the provisions of NRS 459.010 to 459.290, inclusive, *or 597.761 to 597.7622, inclusive*, or any regulation or order adopted or issued under them.

Sec. 8.05. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

- (a) Forty percent of the first \$50,000 recovered;
- (b) Thirty-three and one-third percent of the next \$50,000 recovered;
- (c) Twenty-five percent of the next \$500,000 recovered; and
- (d) Fifteen percent of the amount of recovery that exceeds \$600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, *the holder of a license or a limited*

license issued under the provisions of sections 11 to 44, inclusive, of this act, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 8.1. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, *the holder of a license or a limited license issued under the provisions of sections 11 to 44, inclusive, of this act*, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

Sec. 8.2. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

- (a) Recover any amount against the plaintiff; or
- (b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds \$50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic

payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:

(a) "Future damages" includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) "Periodic payments" means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, *the holder of a license or a limited license issued under the provisions of sections 11 to 44, inclusive, of this act*, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 8.3. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person;

or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require the employee to make home visits.

(c) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, *the holder of a license or a limited license issued under the provisions of sections 11 to 44, inclusive, of this act*, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 8.4. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person to:

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

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

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

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, *holder of a license or a limited license issued under the provisions of sections 11 to 44, inclusive, of this act* or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 8.5. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Report the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, *holder of a license or a limited license issued under the provisions of sections 11 to 44, inclusive, of this act* or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect,

exploitation, isolation or abandonment of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 8.6. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

↪ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, *or sections 11 to 44, inclusive, of this act*, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 8.7. NRS 200.810 is hereby amended to read as follows:

200.810 "Health care procedure" means any medical procedure, other than a surgical procedure, that requires a license to perform pursuant to chapters 630 to 637, inclusive, 639 or 640 of NRS ~~or~~ *or sections 11 to 44, inclusive, of this act*.

Sec. 8.75. NRS 200.820 is hereby amended to read as follows:

200.820 "Surgical procedure" means any invasive medical procedure where a break in the skin is created and there is contact with the mucosa or any minimally invasive medical procedure where a break in the skin is created or which involves manipulation of the internal body cavity beyond a natural or artificial body orifice which requires a license to perform pursuant to chapter 630 to 637, inclusive, 639 or 640 of NRS ~~or~~ *or sections 11 to 44, inclusive, of this act*.

Sec. 8.8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,

634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 40 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 8.85 NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS ~~or sections 11 to 44, inclusive, of this act.~~

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a

medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or

endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 8.9. NRS 597.7618 is hereby amended to read as follows:

597.7618 An owner or operator shall post in a conspicuous place in the tanning establishment a notice that states substantially the following:

1. It is unlawful for the owner or operator of a tanning establishment to allow a person who is less than 18 years of age to use any tanning equipment.

2. An owner or operator of a tanning establishment who violates any provision of NRS 459.010 to 459.290, inclusive, or 597.761 to 597.762, inclusive, may be subject to civil action.

3. Any person may report a violation of NRS 459.010 to 459.290, inclusive, or 597.761 to 597.762, inclusive, to any law enforcement agency.

4. Health risks associated with tanning include, without limitation, skin cancer, premature aging of the skin and burns to the skin.

Sec. 9. NRS 597.762 is hereby amended to read as follows:

597.762 An owner or operator shall ensure that:

1. A person who is qualified to operate the tanning equipment and who is able to inform users about, and assist such users in, the proper use of tanning equipment is present at the tanning establishment during operating hours.

2. Tanning equipment is properly sanitized after each use.

3. Each user, before he or she begins to use tanning equipment, is provided with properly sanitized and securely fitting protective eyewear that protects the wearer's eyes from ultraviolet radiation and allows enough vision to maintain balance.

4. Users wear the protective eyewear described in subsection 3 when using tanning equipment.

5. Each user is shown how to maintain the proper exposure distance from the tanning equipment as recommended by the manufacturer.

6. A timing device which is accurate within 10 percent of any selected time interval is used and is remotely located so a user cannot set his or her own exposure time when using tanning equipment.

7. Tanning equipment is equipped with a mechanism that allows the user to turn off the tanning equipment.

8. Each user is limited to the maximum exposure time recommended by the manufacturer for his or her skin type.

9. A user is not allowed to use the tanning equipment more than once in any 24-hour period.

10. The interior temperature of the tanning equipment does not exceed 100 degrees Fahrenheit.

11. Acknowledgments signed by each user indicating that he or she understands the notices and warnings prescribed by NRS 597.7618 and 597.7619, and that he or she agrees to use protective eyewear, are retained for at least 1 year or until the user signs a new acknowledgment.

12. *Tanning equipment is used and operated in accordance with any applicable regulations adopted by the State Board of Health or the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 459.010 to 459.290, inclusive.*

Sec. 10. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 11 to 44, inclusive, of this act.

Sec. 11. *As used in this chapter, the words and terms defined in sections 12 to 26, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 12. *"Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.*

Sec. 13. *"Direct supervision" means supervision where the person providing supervision is present in the building with the person being supervised and available to furnish assistance if needed.*

Sec. 14. *"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 15. *"Fluoroscopy" means the exposure of a patient to ionizing radiation in a fluoroscopy mode, including the positioning of the patient and the fluoroscopy equipment and the selection of exposure factors.*

Sec. 16. *"Ionizing radiation" has the meaning ascribed to it in NRS 459.010.*

Sec. 17. *"License" means a license to engage in radiation therapy and radiologic imaging issued pursuant to section 31 of this act. The term does not include a limited license.*

Sec. 18. *"Limited license" means a limited license to engage in radiologic imaging issued pursuant to section 32 of this act.*

Sec. 19. *"Mammography" has the meaning ascribed to it in NRS 457.182.*

Sec. 20. *"Radiation" has the meaning ascribed to it in NRS 457.182.*

Sec. 21. *"Radiation therapy" means the administration of ionizing radiation for therapeutic purposes.*

Sec. 22. *"Radiography" has the meaning ascribed to it in NRS 457.182.*

Sec. 23. *"Radiologic imaging" means the use of ionizing radiation to diagnose or visualize a medical condition.*

Sec. 24. *"Radiologist" means a physician certified by or eligible to be certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the Royal College of Radiologists or the Royal College of Physicians and Surgeons of Canada, or their successor organizations, in radiology.*

Sec. 25. *"Radiologist assistant" means a person who meets the requirements of section 34 of this act.*

Sec. 26. *"Supervision" means assuming responsibility for and control of the technical aspects of administering radiation for diagnostic or therapeutic purposes and the quality of those services, and ensuring that radiation is administered safely, including, without limitation, ensuring that all persons involved are adequately protected from radiation.*

Sec. 27. *The provisions of this chapter do not apply to:*

1. *A physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS;*

2. *A dentist, dental hygienist or other person working under the direct supervision of a dentist; or*

3. *A chiropractor or chiropractor's assistant.*

Sec. 28. 1. *The Radiologic Imaging and Radiation Therapy Advisory Committee is hereby created.*

2. *The Committee consists of seven members, all of whom are voting members, appointed by the Governor. The Governor shall ensure that the members of the Committee represent the geographic diversity of this State. The Governor shall appoint to the Committee:*

(a) *One member who holds a license and is certified by the American Registry of Radiologic Technologists, or its successor organization, in the primary pathway of radiography.*

(b) *One member who holds a license and is certified by the American Registry of Radiologic Technologists, or its successor organization, in the primary pathway of nuclear medicine technology.*

(c) *One member who holds a license and is certified by the American Registry of Radiologic Technologists, or its successor organization, in the primary pathway of radiation therapy.*

(d) *One member who holds a limited license.*

(e) *One member who is a radiologist.*

(f) *One member who is a physician, other than a radiologist, or a dentist, chiropractor or podiatrist.*

(g) *One member who is a radiation safety officer or medical physicist.*

3. After the initial terms, the members of the Committee serve terms of 3 years. A vacancy on the Committee must be filled in the same manner as the initial appointment. No member may serve more than 2 consecutive terms.

4. Members of the Committee serve without compensation, except that each member of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. The Committee shall annually elect a Chair, who must be a person described in paragraphs (a) to (d), inclusive, of subsection 2, and a Vice Chair.

6. The Committee shall meet at least twice each year on the call of the Chair or a majority of its members. The Committee may meet by telephone, videoconference or other electronic means in accordance with the provisions of chapter 241 of NRS.

7. The Committee shall:

(a) Review each regulation that the Division proposes or adopts pursuant to the provisions of this chapter and notify the Division of the opinion of the Committee regarding the advisability of adopting or revising the regulation.

(b) Make any other recommendations to the Division and the Legislature concerning radiation therapy or radiologic imaging as it deems proper.

Sec. 29. 1. The State Board of Health shall adopt regulations:

(a) Establishing fees for the application for and issuance and renewal of a license or limited license.

(b) Defining the scope of practice for radiologist assistants and persons who hold licenses and limited licenses. Such regulations must be not less restrictive than the standards of practice adopted by the American Society of Radiologic Technologists or its successor organization.

(c) Prescribing the requirements for continuing education for the renewal of a license or limited license. Such regulations must require the holder of a license to complete more hours of continuing education than the holder of a limited license.

(d) Prescribing the qualifications of persons who are authorized to supervise the holder of a limited license, the tasks for which such supervision is required and the level of supervision required.

(e) Defining the terms "crime involving moral turpitude" and "unprofessional conduct" for the purposes of section 41 of this act.

2. The State Board of Health may adopt any other regulations necessary or convenient to carry out the provisions of this chapter.

3. All money received from fees and penalties pursuant to the provisions of this chapter must be forwarded to the State Treasurer for deposit in the State General Fund.

4. The Division shall enforce the provisions of this chapter 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. 30. 1. Except as otherwise provided in sections 27, 35 and 36 of this act, a person shall not engage in:

(a) Radiologic imaging unless he or she has obtained a license or limited license from the Division.

(b) Radiation therapy unless he or she has obtained a license from the Division.

(c) Radiologic imaging or radiation therapy outside the scope of practice authorized for his or her license or limited license by the regulations adopted pursuant to section 29 of this act.

2. A person who wishes to obtain or renew a license or limited license must apply to the Division in the form prescribed by the Division.

3. A license or limited license expires 2 years after the date on which the license was issued and must be renewed on or before that date.

4. The Division shall not issue or renew a license or limited license unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

5. The Division may issue a provisional license or provisional limited license to a person who holds an equivalent license or certificate in another state.

6. A provisional license or provisional limited license may not be renewed and expires:

(a) On the date that the holder of the provisional license or provisional limited license is issued a license or limited license by the Division;

(b) On the date that the application of the holder of the provisional license or provisional limited license for a license or limited license is denied by the Division; or

(c) One year after the date on which the holder of the provisional license or provisional limited license is initially hired to engage in radiation therapy or radiologic imaging.

Sec. 31. The Division may issue a license to engage in radiation therapy and radiologic imaging to a person who:

1. Has successfully completed a course of study that meets the requirements of the Joint Review Committee on Education in Radiologic Technology, the Joint Review Committee on Educational Programs in Nuclear Medicine Technology, their successor organizations or another national accrediting organization approved by the Division; and

2. Is certified by the American Registry of Radiologic Technologists, or its successor organization, in the primary pathway of radiography, nuclear medicine technology or radiation therapy or the Nuclear Medicine Technology Certification Board, or its successor organization, in nuclear medicine or meets any alternative standards prescribed by regulation of the Division.

Sec. 32. 1. The Division may issue a limited license to engage in radiologic imaging to a person who has:

(a) Completed a course of study in limited X-ray machine operation that incorporates the Limited X-Ray Machine Operator Curriculum prescribed by

the American Society of Radiologic Technologists or its successor organization; and

(b) Passed an examination for limited X-ray machine operators administered by the American Registry of Radiologic Technologists or its successor organization, or:

(1) If applying for a limited license in spine and extremity radiography, be certified by the American Chiropractory Registry of Radiologic Technologists or its successor organization.

(2) If applying for a limited license in podiatric radiography, be licensed as a podiatry hygienist pursuant to NRS 635.093 or certified by the American Society of Podiatric Medical Assistants or its successor organization.

(3) If applying for a limited license in bone densitometry, be certified as a bone densitometry technologist or a certified densitometry technologist by the International Society for Clinical Densitometry, or its successor organization, or has successfully completed the examination for bone densitometry equipment operators administered by the American Registry of Radiologic Technologists or its successor organization.

2. The holder of a limited license may perform radiologic imaging only within the scope of the limited license, as defined in this subsection and the regulations adopted pursuant to section 29 of this act, and under the supervision prescribed by those regulations. The Division may issue a limited license in:

(a) Chest radiography, which authorizes the holder of the limited license to engage in radiography of the thorax, heart and lungs.

(b) Extremities radiography, which authorizes the holder of the limited license to engage in radiography of the upper and lower extremities, including the pelvic girdle.

(c) Spine and extremity radiography, which authorizes the holder of the limited license to engage in radiography of the vertebral column and the upper and lower extremities, including the pelvic girdle.

(d) Skull and sinus radiography, which authorizes the holder of the limited license to engage in radiography of the skull and face.

(e) Podiatric radiography, which authorizes the holder of the limited license to engage in radiography of the foot, ankle and lower leg below the knee.

(f) Bone densitometry, which authorizes the holder of the limited license to engage in the determination of bone mass by measuring the radiation absorption of the bone.

3. The holder of a limited license shall not perform procedures using contrast media, mammography, nuclear medicine or radiation therapy.

4. As used in this section, "bone densitometry" means the quantitative assessment of bone mass using single or dual energy X-ray absorptiometry.

Sec. 33. 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license or limited license shall include the social security number of the applicant in the application submitted to the Division.

(b) An applicant for the issuance or renewal of a license or limited license shall submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A license or limited license may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 34. 1. The holder of a license may practice as a radiologist assistant if the holder is:

(a) Certified by the American Registry of Radiologic Technologists, or its successor organization, in the primary pathway of radiography and is registered as a Radiologist Assistant by the Registry; or

(b) Certified by the Certification Board of Radiology Practitioner Assistants.

2. In addition to the activities that the holder of a license is authorized to perform by the regulations adopted pursuant to section 29 of this act, a radiologist assistant:

(a) May perform activities relating to the care and management of patients, including radiologic imaging and interventional procedures guided by radiologic imaging, under the direct supervision of a radiologist.

(b) May provide initial observations concerning the images of a patient to a supervising radiologist.

(c) Shall not interpret images of a patient or otherwise engage in the practice of medicine, as defined in NRS 630.020.

Sec. 35. 1. A person who does not meet the requirements of section 30 of this act may, without compensation, engage in radiation therapy or radiologic imaging under the direct supervision of a physician, chiropractor or podiatrist or a person who holds a license for the purpose of qualifying for any certification that is a prerequisite to obtain a license or a limited license.

2. A holder of a license or limited license may engage in radiation therapy or radiologic imaging outside the scope of practice authorized for his or her license or limited license by the regulations adopted pursuant to section 29 of this act under the direct supervision of a physician, chiropractor or podiatrist or person who holds a license and is authorized to practice in that area if the licensee:

(a) Is doing so to qualify for certification by a national accrediting organization in that area; and

(b) Registers with the Division before doing so.

3. The Division may issue a temporary student license to a person who is enrolled in a program to qualify for any certification that is a prerequisite to obtain a license or limited license. A holder of a temporary student license may engage in any activity described in subsection 1 for compensation.

4. A temporary student license may not be renewed and expires:

(a) On the date that the holder of the temporary student license is issued a license or limited license by the Division;

(b) On the date that the application of the holder of the temporary student license for a license or limited license is denied by the Division; or

(c) One year after the date on which the holder of the temporary student license is initially hired to engage in radiation therapy or radiologic imaging.

Sec. 36. A person who is employed in a position where he or she is performing radiation therapy, radiologic imaging, computed tomography, fluoroscopy or mammography on January 1, 2018, may continue to do so without obtaining a license from the Division if he or she:

1. Registers with the Division in the form prescribed by the Division;

2. Provides any information requested by the Division;

3. Does not change the scope of his or her practice; and

4. Completes the continuing education required by the Division for the holder of a license or limited license, as applicable, who provides the same services as those provided by the person.

Sec. 37. 1. A person who is subject to the provisions of this chapter shall not perform computed tomography except as authorized by this section and section 36 of this act.

2. Except as otherwise provided in this section, a holder of a license may only perform computed tomography within his or her scope of practice, as authorized by the regulations adopted pursuant to section 29 of this act, if he or she is certified by:

(a) The American Registry of Radiologic Technologists, or its successor organization, in the primary pathway of nuclear medicine technology or radiation therapy.

(b) *The Nuclear Medicine Technology Certification Board, or its successor organization, in nuclear medicine.*

3. *A holder of a license who is certified by the American Registry of Radiologic Technologists or the Nuclear Medicine Technology Certification Board, or their successor organizations, in computed tomography may perform computed tomography.*

4. *A holder of a license who does not meet the requirements of subsection 2 or 3 may perform computed tomography if he or she:*

(a) *Is performing computed tomography to qualify for certification by the American Registry of Radiologic Technologists or the Nuclear Medicine Technology Certification Board, or their successor organizations, in computed tomography; and*

(b) *Registers with the Division before performing computed tomography.*

Sec. 38. 1. *A person who is subject to the provisions of this chapter shall not perform fluoroscopy except as authorized in this section and section 36 of this act.*

~~2. *[A radiologist assistant may perform fluoroscopy under the direct supervision of a radiologist.*~~

~~3. *A holder of a license who is certified by the American Registry of Radiologic Technologists, or its successor organization, in the primary pathway of radiography may perform fluoroscopy.*~~

~~4. *A holder of a license [who does not meet the requirements of subsection 3] may perform fluoroscopy [under the direct supervision of a physician or the holder of a license who meets those requirements.] only within the scope of his or her practice to the extent authorized by the regulations adopted pursuant to section 29 of this act.*~~

Sec. 39. 1. *A person who is subject to the provisions of this chapter shall not perform mammography except as authorized in this section and section 36 of this act.*

2. *A holder a license may perform mammography if he or she is certified in mammography by the American Registry of Radiologic Technologists or its successor organization.*

3. *A holder of a license who does not meet the requirements of subsection 2 may perform mammography under the personal supervision of a physician or a holder of a license who meets those requirements if he or she:*

(a) *Is performing mammography to qualify for certification in mammography by the American Registry of Radiologic Technologists or its successor organization; and*

(b) *Has registered with the Division.*

4. *As used in this section, "personal supervision" means supervision where the person providing supervision is present in the room with the person being supervised.*

Sec. 40. 1. *Any authorized representative of the Division may enter at any reasonable time upon any private or public property for the purpose of determining whether there is compliance with or violation of the provisions of*

this chapter or the regulations adopted pursuant thereto, and the owner, occupant or person in charge of such property shall permit such entry and inspection.

2. Entry into areas under the jurisdiction of the Federal Government shall be effected only with the concurrence of the Federal Government or its duly designated representative.

3. Any report of investigation or inspection shall not be disclosed or opened to public inspection except as otherwise provided in NRS 239.0115 or as may be necessary for the performance of the functions of the State Board of Health.

Sec. 41. 1. The Division may deny, suspend, revoke or refuse to renew a license or limited license issued pursuant to the provisions of this chapter, impose limitations on the practice of a holder of such a license or limited license or impose a civil penalty of up to \$1,000 per violation if a person:

(a) Obtains a license or limited license through fraud, misrepresentation or concealment of material facts;

(b) Engages in unprofessional conduct, as defined by the regulations adopted pursuant to section 29 of this act;

(c) Is convicted of a crime involving moral turpitude, as defined by the regulations adopted pursuant to section 29 of this act, or any crime which indicates that the person is unfit to engage in radiologic imaging or radiation therapy;

(d) Violates any provision of this chapter or any regulations adopted pursuant thereto;

(e) Is guilty of malpractice, gross negligence or incompetence while engaging in radiation therapy or radiologic imaging;

(f) Engages in conduct that could result in harm to a member of the public;
or

(g) Has disciplinary action imposed in another jurisdiction against a license or certificate that is equivalent to a license or limited license issued pursuant to this chapter.

2. At least 2 years after the date of a revocation of a license, application may be made to the Division for reinstatement. The Division has complete discretion to accept or reject an application for reinstatement.

Sec. 42. 1. The Division may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for initiating disciplinary action, investigate the actions of any person who engages in radiation therapy or radiologic imaging. A complaint may be filed anonymously. If a complaint is filed anonymously, the Division may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint. The Division shall retain all complaints received by the Division pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon by the Division.

2. *The Division shall, before initiating proceedings to deny, suspend, revoke or refuse to renew a license or limited license or impose disciplinary action, notify the accused person in writing of any charges made. The notice may be served by delivery of the notice personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Division.*

3. *In any proceeding under the provisions of this chapter for the denial, suspension, revocation or refusal to renew a license or limited license or the imposition of disciplinary action pursuant to section 41 of this act, the Division shall afford an opportunity for a hearing on the record upon the request of the person against whom such actions may be taken. The Division may compel the attendance of witnesses or the production of documents or objects by subpoena.*

4. *The Division shall render a written decision at the conclusion of every hearing, and the record and decision in every hearing must be available for inspection by any interested person.*

5. *The Division may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to the provisions of this chapter.*

6. *Any disciplinary action taken by a hearing officer or panel pursuant to subsection 5 is subject to the same procedural requirements which apply to disciplinary actions taken by the Division pursuant to subsection 4, and the officer or panel has those powers and duties given to the Division in relation thereto.*

7. *A decision of the hearing officer or panel denying, suspending, revoking or refusing to renew a license or limited license or imposing disciplinary action pursuant to section 41 of this act is a final decision for the purposes of judicial review.*

Sec. 43. 1. *If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license or limited license, the Division shall deem the license or limited license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license or limited license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or limited license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. *The Division shall reinstate a license or limited license that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or limited license was suspended stating that the person whose license or limited license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

Sec. 44. 1. *The Division or the Attorney General may maintain in any court of competent jurisdiction a suit to enjoin any person from violating a provision of this chapter or any regulations adopted pursuant thereto.*

2. *Such an injunction:*

(a) *May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.*

(b) *Does not relieve any person from criminal prosecution under the provisions of subsection 3.*

3. *A person who violates any provision of this chapter is guilty of a misdemeanor.*

Sec. 45. NRS 622.520 is hereby amended to read as follows:

622.520 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644 of NRS *or sections 11 to 44, inclusive, of this act* in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 46. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug abuse counselor, music therapist, *holder of a license or limited license issued pursuant to sections 11 to 44, inclusive, of this act*, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(m) Any person who operates or is employed by a peer support recovery organization.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) "Peer support recovery organization" has the meaning ascribed to it in NRS 449.01563.

Sec. 47. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as authorized by this section, a chiropractor's assistant shall not engage in radiologic imaging or radiation therapy.*

2. *A chiropractor's assistant may perform radiography only:*

(a) Within the practice of chiropractic; and

(b) Except as otherwise provided in subsection 3, if he or she has successfully completed the training prescribed by the Board pursuant to subsection 4.

3. *A chiropractor's assistant who has not successfully completed the training prescribed by the Board pursuant to subsection 4 may perform radiography under the direct supervision of a chiropractor as part of such training.*

4. *The Board shall adopt regulations prescribing training that a chiropractor's assistant must receive before performing radiography.*

5. *As used in this section:*

(a) "Radiation therapy" has the meaning ascribed to it in section 21 of this act.

(b) "Radiography" has the meaning ascribed to it in NRS 457.182.

(c) "Radiologic imaging" has the meaning ascribed to it in section 23 of this act.

Sec. 48. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a ~~technologist in radiology or nuclear medicine~~ *person licensed pursuant to section 31 of this act* under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

➔ and shall be punished as provided in NRS 193.130.

3. Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

4. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

5. Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

6. The Board shall not condition, limit, restrict or otherwise deny to a prescribing practitioner the issuance of a certificate, license, registration, permit or authorization to prescribe controlled substances or dangerous drugs because the practitioner is located outside this State.

Sec. 49. NRS 644.449 is hereby amended to read as follows:

644.449 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means ~~the~~ :

(a) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS ~~the~~ ; and

(b) *The Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 50. NRS 654.185 is hereby amended to read as follows:

654.185 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means ~~the~~ :

(a) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS ~~the~~ ; and

(b) *The Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 51. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

- (I) Cities and towns;
- (II) School districts; and
- (III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS ~~or~~ *or sections 11 to 44, inclusive, of this act;*

(II) A hospital or other health care facility; or

(III) Any related corporate entity.

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

(1) Private vehicles;

(2) Commercial vehicles;

(3) Liability insurance; and

(4) Insurance for property damage;

(d) Workers' compensation insurance; and

(e) In addition to any information provided pursuant to subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of insurance for medical malpractice. As used in this paragraph, "policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

(a) Premiums directly written;

(b) Premiums directly earned;

(c) Number of policies issued;

(d) Net investment income, using appropriate estimates when necessary;

- (e) Losses paid;
- (f) Losses incurred;
- (g) Loss reserves, including:
 - (1) Losses unpaid on reported claims; and
 - (2) Losses unpaid on incurred but not reported claims;
- (h) Number of claims, including:
 - (1) Claims paid; and
 - (2) Claims that have arisen but are unpaid;
- (i) Expenses for adjustment of losses, including allocated and unallocated losses;
- (j) Net underwriting gain or loss;
- (k) Net operation gain or loss, including net investment income; and
- (l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

- (a) Recoverable federal income tax;
- (b) Net unrealized capital gain or loss; and
- (c) All other expenses not included in subsection 2.

Sec. 52. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

- (a) Ocean marine insurance;
- (b) Contracts issued by fraternal benefit societies;
- (c) Life insurance and credit life insurance;
- (d) Variable and fixed annuities;
- (e) Credit accident and health insurance;
- (f) Property insurance for business and commercial risks;
- (g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ~~or sections 11 to 44, inclusive, of this act;~~

- (h) Surety insurance;
- (i) Health insurance offered through a group health plan maintained by a large employer; and
- (j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 53. NRS 690B.250 is hereby amended to read as follows:

690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *or sections 11 to 44, inclusive, of this act* for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner

within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the name and address of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *or sections 11 to 44, inclusive, of this act* who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the practitioner's name and address, the name and address of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 54. NRS 690B.320 is hereby amended to read as follows:

690B.320 1. If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS, *or sections 11 to 44, inclusive, of this act*, the insurer shall:

(a) Offer to issue to the practitioner an extended reporting endorsement without a time limitation for reporting a claim.

(b) Disclose to the practitioner the premium for the extended reporting endorsement and the cost formula that the insurer uses to determine the premium for the extended reporting endorsement.

(c) Disclose to the practitioner the portion of the premium attributable to funding the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death, disability or retirement, if such a benefit is offered.

(d) Disclose to the practitioner the vesting requirements for the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death or retirement, if such a benefit is offered. If such a benefit is not offered, the absence of such a benefit must be disclosed.

(e) Include, as part of the insurance contract, language which must be approved by the Commissioner and which must be substantially similar to the following:

If we adopt any revision that would broaden the coverage under this policy without any additional premium either within the policy period or within 60 days before the policy period, the broadened coverage will immediately apply to this policy.

2. The disclosures required by subsection 1 must be made as part of the offer and acceptance at the inception of the policy and again at each renewal in the form of an endorsement attached to the insurance contract and approved by the Commissioner.

3. The requirements set forth in this section are in addition to the requirements set forth in NRS 690B.290.

Sec. 55. Section 33 of this act is hereby amended to read as follows:

Sec. 33. 1. In addition to any other requirements set forth in this chapter ~~[-~~

~~—(a) An applicant for the issuance of a license or limited license shall include the social security number of the applicant in the application submitted to the Division.~~

~~—(b) An~~, an applicant for the issuance or renewal of a license or limited license shall submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A license or a limited license may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 56. As soon as practicable after the effective date of this act, the Governor shall appoint to the Radiologic Imaging and Radiation Therapy Advisory Committee created by section 28 of this act:

1. One member pursuant to paragraph (g) of subsection 2 of section 28 of this act to an initial term commencing on July 1, 2017, and expiring on June 30, 2018.

2. One member each pursuant to paragraphs (d), (e) and (f) of subsection 2 of section 28 of this act to initial terms commencing on July 1, 2017, and expiring on June 30, 2019.

3. One member each pursuant to paragraphs (a), (b) and (c) of subsection 2 of section 28 of this act to initial terms commencing on July 1, 2017, and expiring on June 30, 2020.

Sec. 57. NRS 457.1833, 457.1837 and 457.1853 are hereby repealed.

Sec. 58. 1. This section and ~~section~~ sections 10, 28 and 56 of this act become effective upon passage and approval.

2. Sections 1.9, 2, 3, 4 to 8, inclusive, 8.9 and 9 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

3. Sections 1 to ~~54~~, 1.8, inclusive, 3.5, 8.05 to 8.85, inclusive, 11 to 27, inclusive, 29 to 54, inclusive, and 57 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, ~~2018~~, 2019, for all other purposes.

3. Section 55 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
 ➔ are repealed by the Congress of the United States.

4. Sections 43 and 55 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
 ➔ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTIONS

457.1833 Payment of child support: Statement by applicant for certificate of authorization; grounds for denial of certificate of authorization; duty of Division.

1. An applicant for the issuance or renewal of a certificate of authorization to operate a radiation machine for mammography shall submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or

(b) A separate form prescribed by the Division.

3. A certificate of authorization to operate a radiation machine for mammography may not be issued or renewed by the Division if the applicant:

- (a) Fails to submit the statement required pursuant to subsection 1; or
- (b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

457.1837 Suspension of certificate of authorization for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certificate of authority.

1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate of authorization to operate a radiation machine for mammography, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a certificate of authorization to operate a radiation machine for mammography that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

457.1853 Application for renewal of certificate: Information concerning state business registration required; conditions which require denial.

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a certificate of authorization to operate a radiation machine for mammography must indicate in the application submitted to the Division whether the applicant has a state business registration. If the applicant has a state business registration, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A certificate of authorization to operate a radiation machine for mammography may not be renewed by the Division if:

(a) The applicant fails to submit the information required by subsection 1;
or

(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 624 revises Senate Bill No. 219 to require the Governor in appointing members to the Radiologic Imaging and Radiation Therapy Advisory Committee to ensure that the members of the committee represent the geographic diversity of the State. This issue was brought to us from our medical professionals in our rural counties. The amendment also clarifies and certain licensees may only provide fluoroscopy within their scope of practice and to with the extent authorized by regulation adopted pursuant to the bill.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 18.

Bill read third time.

Remarks by Senator Atkinson.

Senate Bill No. 18 revises provisions relating to bail-bond businesses, including requiring a bail agent, bail solicitor or general agent to insure to the benefit of any person damaged by the licensee or person acting on his or her behalf and revises provisions relating to the cancellation and replacement of a licensing bond; issuing and renewing a license as a bail agent, bail solicitor or bail-enforcement agent; authorizing the Commissioner of Insurance to participate with the National Association of Insurance Commissioners in a centralized registry for licensing and appointment of bail agents, bail-enforcement agents, bail solicitors and general agents; prohibiting certain conduct by a bail enforcement agent; requiring a surety insurer or bail agent to refund all money collected and return all bail collateral held for a bail transaction that is canceled before a bond is accepted by a court or governmental entity and the money and other valuable consideration that may be charged or collected in connection with any bail transaction, and apprehending and surrendering of a defendant by a surety insurer or bail agent to the custody of a court or governmental agency.

Roll call on Senate Bill No. 18:

YEAS—17.

NAYS—Gustavson, Hammond, Hardy, Roberson—4.

Senate Bill No. 18 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bills Nos. 219, 414, 498 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 Wednesday, April 26, 2017, at 11:00 a.m.

Motion carried.

Senate adjourned at 5:09 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate