THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), May 17, 2017

Senate called to order at 11:24 a.m.

President Hutchison presiding.

Roll called.

All present

Prayer by the Chaplain, Pastor Brennan Wilson.

Heavenly Father, I thank You that You allow people to come to You in prayer. In 1 Timothy 2:1-4, Paul explained the importance of prayer for governing officials. He said to Timothy: *"I urge that entreaties and prayers, petitions and thanksgivings, be made on behalf of all men, for kings and all who are in authority, so that we may lead a tranquil and quiet life in all godliness and dignity. This is good and acceptable in the sight of God our Savior, who desires all men to be saved and to come to the knowledge of the truth."*

O Lord, I pray for those in authority. May You bless their time here today.

I pray this in the Name of my Savior, Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag was led by Delvon Howard.

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

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Assembly Bills Nos. 61, 262, 425, 429, 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Education, to which was referred Assembly Bill No. 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MOISES DENIS, *Chair*

Mr. President:

Your Committee on Finance, to which was referred Senate Bill No. 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 512, 516, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bill No. 488; Assembly Bills Nos. 145, 146, 341, 365, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

Mr. President:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which was referred Assembly Bill No. 101, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

YVANNA D. CANCELA, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which were referred Assembly Bills Nos. 62, 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JULIA RATTI, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 16, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 13, 15, 19, 20, 27, 29, 32, 35, 40, 42, 110, 112, 131, 177, 202, 241, 277, 301, 313, 326, 362, 412; Assembly Bills Nos. 495, 496.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 41.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 256, Amendment No. 658; Senate Bill No. 267, Amendment No. 662, and respectfully requests your honorable body to concur in said amendments.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 41.

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

Motion carried.

Assembly Bill No. 495.

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

Motion carried.

Assembly Bill No. 496.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 464.

Bill read second time.

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

Amendment No. 694.

SUMMARY—Revises provisions governing certain reports required to be submitted by or to certain governmental entities. (BDR ~~[18-542)]~~ 22-542)

AN ACT relating to reports; eliminating requirements to submit certain reports by or to certain governmental entities; requiring certain information be posted on the Internet websites of the Public Employee's Retirement System and the Housing Division of the Department of Business and Industry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill eliminates the requirement that the Committee on Domestic Violence submit to the Legislature a biennial report summarizing the work of the Committee and providing recommendations for any necessary legislation concerning domestic violence. Instead, section 2 of this bill requires the Nevada Council for the Prevention of Domestic Violence to solicit comments and recommendations from the Committee on Domestic Violence to be included in a report that the Council is required to submit biennially to the Legislature.]~~

Section 3 of this bill requires that a regional rapid transit authority established in a county whose population is 700,000 or more (currently Clark County) submit to the Legislature a biennial report instead of an annual report regarding certain activities, findings and plans of the authority.

Section 4 of this bill eliminates the requirement that the Housing Division of the Department of Business and Industry submit to the Legislature an annual report that includes a compilation of reports submitted to the Housing Division by the governing bodies of certain cities and counties regarding the maintenance and development of affordable housing. Instead, the Housing Division must post the compilation on its Internet website.

Section 5 requires the Merit Award Board to submit a biennial report instead of an annual report to the Budget Division of the Office of Finance in the Office of the Governor and to the Interim Finance Committee summarizing employee suggestions rejected and adopted by state agencies and any legislation required to be enacted before an employee suggestion is adopted.

Section 6 of this bill eliminates the requirement that the Public Employees' Retirement Board submit to the Governor and the Legislature an annual report regarding investments of money from the Public Employees' Retirement

System in certain scrutinized companies. Instead, the Board must post the report on the Internet website of the System.

Section 7 of this bill eliminates the requirement that a copy of the capital improvement plan that is submitted by each local government to the Department of Taxation and the appropriate debt management commission also be submitted to the Legislature. Section 8 of this bill eliminates the requirement that a report concerning capital improvements of local governments that is submitted to the Department of Taxation also be submitted to the Legislature. Instead, in each instance, the Department must provide a copy of the plan or the report, as applicable, to the Director of the Legislative Counsel Bureau upon his or her request.

Section 9 of this bill eliminates the requirement that the Commissioner of Insurance report to the Legislature changes in certain insurance rates or to certain uniform plans regarding insurance.

Section 10 of this bill eliminates the requirement that: (1) the board of county commissioners of each county whose population is 700,000 or more (currently Clark County) submit to the Legislature and to the Legislative Committee on Health Care a quarterly report providing information relating to persons transported to medical facilities by each fire department and ambulance service operating in the county; (2) the Board of Regents of the University of Nevada submit to the Legislature a biennial report concerning the activities of the Police Department of the Nevada System of Higher Education; (3) the Board of Regents submit to the Legislature an annual report concerning the capital improvements owned, leased or operated by the System; and (4) the State Fire Marshall submit to the Legislature a biennial report concerning the effectiveness of provisions of law establishing standards for fire safety for cigarettes and including any recommendations for legislation to improve the effectiveness of such provisions of law.

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

Section 1. ~~[NRS 228.470 is hereby amended to read as follows:~~

~~228.470 1. The Attorney General shall appoint a Committee on Domestic Violence comprised of:~~

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

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

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

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

~~(e) One law enforcement officer;~~

~~(f) One provider of mental health care;~~

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

~~(h) One justice of the peace or municipal judge.~~

~~At least two members of the Committee must be residents of a county whose population is less than 100,000.~~

~~2. The Committee shall:~~

~~(a) Adopt regulations for the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence;~~

~~(b) Review, monitor and certify programs for the treatment of persons who commit domestic violence;~~

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

~~(d) To the extent that money is available, arrange for the provision of legal services, including, without limitation, assisting a person in an action for divorce. [; and~~

~~(e) Submit on or before March 1 of each odd-numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. The report must include, without limitation, a summary of the work of the Committee and recommendations for any necessary legislation concerning domestic violence.]~~

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

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

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

~~4. The Committee shall, at its first meeting and annually thereafter, elect a Chair from among its members.~~

~~5. The Committee shall meet regularly at least semiannually and may meet at other times upon the call of the Chair. Any five members of the Committee constitute a quorum for the purpose of voting. A majority vote of the quorum is required to take action with respect to any matter.~~

~~6. The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.~~

~~7. While engaged in the business of the Committee, each member and employee of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.]~~ (Deleted by amendment.)

Sec. 2. ~~[NRS 228.490 is hereby amended to read as follows:~~

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

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

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

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

~~2. The Council shall:~~

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

~~(b) With the assistance of the Court Administrator, based upon the study and review conducted pursuant to paragraph (a), prepare and submit a report of its findings and recommendations to the Director of the Legislative Counsel Bureau, on or before February 1 of each odd-numbered year, for transmittal to the next regular session of the Legislature. In preparing the report, the Council shall solicit comments and recommendations from *the Committee on Domestic Violence created pursuant to NRS 228.470 and from* district judges, municipal judges and justices of the peace in rural Nevada and include in its report, as a separate section, all comments and recommendations that are received by the Council.~~

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

Sec. 3. NRS 277A.345 is hereby amended to read as follows:

277A.345 1. In a county whose population is 700,000 or more, the commission shall establish a regional rapid transit authority. The membership of the regional rapid transit authority must consist of:

(a) The general manager of the commission, who shall act as chair of the authority;

(b) One member appointed by the board of county commissioners;

(c) Three members, one from each of the three largest cities within the county, who are appointed by the respective governing bodies of each city;

(d) One member selected by the association of gaming establishments whose membership collectively paid the most gaming license fees to the State pursuant to NRS 463.370 in the county in the preceding year;

(e) One member who is selected by the economic development authority in the county;

(f) One member selected by the Department of Transportation; and

(g) One member who has expertise in urban planning and design or architecture selected by the Nevada Arts Council.

2. The regional rapid transit authority shall develop a plan for the establishment of a regional rapid transit system:

(a) In cooperation with economic development, engineering, planning, tourism and utility interests in the county; and

(b) With the goal of quantifying the implications of introducing an exclusive rapid transit system in identified corridors in the county.

3. In carrying out its duties pursuant to subsection 2, the regional rapid transit authority shall:

(a) Hold public meetings to, without limitation:

(1) Evaluate the need for and desirability of a regional rapid transit system;

(2) Assess corridor and route feasibility and desirability; and

(3) Review existing mass transit options to determine how to incorporate such options into a regional rapid transit system;

(b) Undertake an analysis of various considerations involved with introducing and implementing a regional rapid transit system in the county, including, without limitation:

(1) An assessment of the available rapid transit technologies, including, without limitation, technologies that use solar power or other renewable energy sources to minimize or eliminate the use of carbon-based fuels;

(2) An assessment of the opportunities, costs and constraints of corridor options, including, without limitation:

(I) An examination and evaluation of existing rail corridors and transit routes for inclusion in the regional rapid transit system;

(II) An evaluation of potential sites for stations and facilities for the regional rapid transit system; and

(III) Identification of locations in the county that would benefit most from proximity to a regional rapid transit system, including, without limitation, airports and existing or proposed special event venues such as stadiums and racetracks;

(3) Estimates as to capital and operating costs;

(4) An assessment of potential ridership and passenger demand;

(5) An assessment of the environmental impact;

(6) A potential project schedule; and

(7) An assessment of financing options and funding sources, including, without limitation:

(I) Processes for securing federal funding; and

(II) The potential for voter approval for bonds to support any portion of the regional rapid transit system.

4. On or before February 1 of each *odd-numbered* year, the regional rapid transit authority shall submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must set forth, without limitation:

(a) The activities and meetings of the authority;

(b) Any findings made by the authority regarding the analysis required by subsection 3; and

(c) The plan or current draft of the plan developed by the authority pursuant to subsection 2.

Sec. 4. NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing affordable housing to meet the housing needs of the community, which is required to be included in the housing element pursuant to subparagraph (8) of paragraph (c) of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) At the expense of the city or county, as applicable, subsidizing in whole or in part impact fees and fees for the issuance of building permits collected pursuant to NRS 278.580.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for affordable housing.

(d) Leasing land by the city or county to be used for affordable housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of affordable housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for affordable housing that must be used for the acquisition, construction or rehabilitation of affordable housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.

(h) Providing money, support or density bonuses for affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented housing developments that would include an affordable housing component.

(j) Offering density bonuses or other incentives to encourage the development of affordable housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of affordable housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in affordable housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development

for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. On or before January 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing affordable housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for affordable housing within the city or county that exists at the end of the reporting period.

3. On or before February 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 2 and ~~[transmit]~~ *post* the compilation ~~[to the Legislature, or the Legislative Commission if the Legislature is not in regular session.]~~ *on the Internet website of the Housing Division.*

Sec. 5. NRS 285.060 is hereby amended to read as follows:

285.060 1. Upon receiving an employee suggestion pursuant to NRS 285.050, the Secretary of the Board shall:

(a) Record and acknowledge receipt of the employee suggestion;

(b) Notify the state employee or each state employee of a group of state employees who made the employee suggestion of any undue delays in the consideration of the employee suggestion; and

(c) Refer the employee suggestion at once to the head of the state agency or agencies affected, or his or her designee, for consideration.

2. Within 30 days after receiving an employee suggestion that is referred pursuant to subsection 1, the head of the state agency, or his or her designee, shall report his or her findings and recommendations to the Board. The report must indicate:

(a) Whether the employee suggestion has been adopted.

(b) If adopted:

(1) The day on which the employee suggestion was placed in effect.

(2) The actual or estimated reduction, elimination or avoidance of expenditures or any improvement in operations made possible by the employee suggestion.

(3) If the employee suggestion was made by a group of state employees, a recommendation of the distribution of any potential award made pursuant to NRS 285.070 to each state employee in the group. Such a distribution must be proportionate, fair and equitable based on the contributions by each state employee to the employee suggestion.

(c) If rejected, the reasons for rejection.

(d) If applicable, whether legislation will be required before the employee suggestion may be adopted.

3. The Board shall:

(a) Review the findings and recommendations of the state agency and may obtain additional information or take such other action as is necessary for prompt, thorough and impartial consideration of each employee suggestion.

(b) Evaluate each employee suggestion, taking into consideration any action by the state agency, staff recommendations and the objectives of the Merit Award Program.

(c) Monitor the efficacy and progress of employee suggestions that have been adopted and placed into effect.

(d) Provide a report to the Budget Division of the Office of Finance and the Interim Finance Committee not later than 30 days after the end of each fiscal year *ending on June 30 of an even-numbered year* summarizing, for that fiscal year ~~[.]~~ *and the previous fiscal year:*

(1) The employee suggestions that were rejected by state agencies.

(2) The employee suggestions that were adopted by state agencies and detailing any actual reduction, elimination or avoidance of expenditures or any improvement in operations made possible by the employee suggestion.

(3) Any legislation required to be enacted before an employee suggestion may be adopted.

Sec. 6. NRS 286.723 is hereby amended to read as follows:

286.723 1. Except as otherwise provided in NRS 286.725, the Board shall prepare an annual report of investments of money from the System in scrutinized companies as identified pursuant to NRS 286.721. The report must include the amount of money allocated in such investments and other data and statistics designed to explain the past and current extent to which funds from the System are invested in scrutinized companies.

2. The Board shall ~~[submit]~~ *post* a copy of the report ~~[to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature]~~ *on the Internet website of the System* on or before February 1 of each year which must cover all investments during the previous calendar year.

Sec. 7. NRS 354.5945 is hereby amended to read as follows:

354.5945 1. Except as otherwise provided in subsection 7, each local government shall annually prepare, on a form prescribed by the Department of Taxation for use by local governments, a capital improvement plan for the fiscal year ending on June 30 of that year and the ensuing 5 fiscal years.

2. On or before August 1 of each year, each local government shall submit a copy of the capital improvement plan of the local government to the:

(a) Department of Taxation; *and*

(b) Debt management commission of the county in which the local government is located . ~~[; and~~

~~(c) Director of the Legislative Counsel Bureau.]~~

➥ *The Department of Taxation shall provide a copy of a capital improvement plan of a local government to the Director of the Legislative Counsel Bureau upon his or her request.*

3. Each local government shall file a copy of the capital improvement plan of the local government for public record and inspection by the public in the offices of:

(a) The clerk or secretary of the governing body; and

(b) The county clerk.

4. The total amount of the expenditures contained in the capital improvement plan of the local government for the next ensuing fiscal year must equal the total amount of expenditures for capital outlay set forth in the final budget of the local government for each fund listed in that budget.

5. The capital improvement plan must include the estimated or actual revenues and expenditures for each capital project and the estimated or actual date for completion of each capital project.

6. The capital improvement plan must reconcile the capital outlay in each fund in the final budget for the first year of the capital improvement plan to the final budget in the next ensuing fiscal year. The reconciliation must identify the minimum level of expenditure for items classified as capital assets in the final budget and the minimum level of expenditure for items classified as capital projects in the capital improvement plan. The reconciliation of capital outlay items in the capital improvement plan must be presented on forms created and distributed by the Department of Taxation.

7. Local governments that are exempt from the requirements of the Local Government Budget and Finance Act pursuant to subsection 1 of NRS 354.475 are not required to file a capital improvement plan.

Sec. 8. NRS 354.5947 is hereby amended to read as follows:

354.5947 1. In addition to the records and inventory controls established and maintained pursuant to NRS 354.625, the governing body of each local government shall, for each fiscal year, compile a report concerning the capital improvements owned, leased or operated by the local government.

2. The report of the capital improvements required pursuant to subsection 1 must be prepared in such detail as is required by generally accepted accounting principles.

3. The governing body shall submit, in any format including an electronic format, a copy of the report compiled pursuant to subsection 1 on or before February 1 of the year next succeeding the period to which the report pertains to the Department of Taxation . ~~[and the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature.]~~ *The Department of Taxation shall provide a copy of the report compiled pursuant to subsection 1 to the Director of the Legislative Counsel Bureau upon his or her request.*

Sec. 9. NRS 686B.177 is hereby amended to read as follows:

686B.177 ~~[1.]~~ The Advisory Organization shall file with the Commissioner a copy of every prospective loss cost, every manual of rating rules, every rating schedule and every change, amendment or modification to them which is proposed for use in this state at least 60 days before they are distributed to the organization's members, subscribers or other persons. The rates shall be deemed to be approved unless they are disapproved by the Commissioner within 60 days after they are filed.

~~[2. The Commissioner shall report any changes in rates or in the Uniform Plan for Rating Experience, the Uniform Statistical Plan or the Uniform~~

~~System of Classification, when approved, to the Director of the Legislative Counsel Bureau.]~~

Sec. 10. NRS 244.2962, 396.329, 396.4355 and 477.212 are hereby repealed.

Sec. 11. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTIONS

244.2962 County commissioners in certain counties to submit reports to Legislature with certain information concerning transport of person to medical facility by each fire department and ambulance service in county. The board of county commissioners of a county whose population is 700,000 or more shall, each calendar quarter, submit a report to the Legislative Committee on Health Care and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. The report must include, without limitation, the following information related to each fire department and ambulance service operating in the county:

1. The total number of transports of sick or injured persons to a medical facility that were made by the fire department or ambulance service during that calendar quarter.

2. For each person transported by the fire department or ambulance service during the calendar quarter:

(a) The fees charged to transport the person to a medical facility;

(b) Whether the person had health insurance at the time of transport; and

(c) The name of the medical facility where the fire department or ambulance service transported the person to or from.

396.329 Report concerning activities of Police Department.

1. The Board of Regents of the University of Nevada shall, not later than April 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, a report concerning the activities of the Police Department for the System.

2. The report must include, without limitation:

(a) A copy of each of the annual security reports compiled for the immediately preceding 2 years pursuant to 20 U.S.C. § 1092, including the executive summary and statistics regarding crimes on campus; and

(b) A statement of:

(1) The policy of each police department regarding the use of force and the equipment authorized for use by its officers in carrying out that policy;

(2) The activities performed by each police department during the reporting period to improve or maintain public relations between the campus and the community;

(3) The number of full-time and reserve officers in each police department;

(4) The programs held in each police department during the reporting period in which training was given to its officers and the rates of participation in those programs; and

(5) The number, itemized by each police department, of incidents during the reporting period in which an excessive use of force was alleged and the number of those allegations which were sustained.

396.4355 Annual report concerning capital improvements; submission to Legislature.

1. The Board of Regents shall, for each fiscal year, compile a report concerning the capital improvements owned, leased or operated by the System.

2. The report of the capital improvements required pursuant to subsection 1 must be prepared in such detail as is required by generally accepted accounting principles.

3. The Board of Regents shall, on or before February 1 of each year, submit, in any format, including an electronic format, a copy of the report compiled pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature.

477.212 Submission of written report by State Fire Marshal. On or before January 30 of each odd-numbered year, the State Fire Marshal shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of the provisions of NRS 477.172 to 477.214, inclusive, and any recommendations for legislation to improve the effectiveness of NRS 477.172 to 477.214, inclusive.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 694 to Assembly Bill No. 464 deletes the first two sections of the bill in order to keep the single-reporting requirement for the Committee on Domestic Violence.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 106.

Bill read third time.

Remarks by Senators Ford and Settelmeyer.

SENATOR FORD:

Senate Bill No. 106 requires the Labor Commissioner, in adopting by regulation the minimum wage that may be paid per hour to an employee in private employment in this State, to ensure the minimum wage for such an employee is increased by 75 cents each year for 5 years, or until the minimum wage is $12 or more, if the employer does not offer health insurance for the employee; and is $11 or more, if the employer offers health insurance for the employee.

SENATOR SETTELMEYER:

I voted "no" on this bill in Committee, and I rise in opposition to Senate Bill No. 106. It puts the concept of minimum-wage increases on autopilot. There are no protections in this bill if the unemployment rate in Nevada reverses from our current recovery. An increase will still be required without any trade-offs to the business community in the realm of changes to overtime. I am voting "no".

Roll call on Senate Bill No. 106:

YEAS—12.

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

Senate Bill No. 106 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 519.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 519 appropriates General Funds to the Division of Child and Family Services of the Department of Health and Human Services for a projected shortfall in adoption subsidies in Fiscal Year 2017 as follows: Washoe County Child Welfare, $15,608; Clark County Child Welfare, $377,244.

Roll call on Senate Bill No. 519:

YEAS—21.

NAYS—None.

Senate Bill No. 519 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 525.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 525 makes a supplemental appropriation of $34,358 from the State General Fund to the Nevada Highway Patrol Division for a projected shortfall related to higher than anticipated costs for providing protective services for dignitaries visiting the State of Nevada.

Roll call on Senate Bill No. 525:

YEAS—21.

NAYS—None.

Senate Bill No. 525 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 526.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 526 appropriates General Funds to the Division of Child and Family Services of the Department of Health and Human Services for a projected shortfall related to the Certified Public Expenditure (CPE) cost settlement of the Children's Mental Health cost allocation plan for Fiscal Year 2014-2015. The CPE cost settlement is an annual process whereby the Medicaid revenue is reconciled against its corresponding Medicaid eligible expenditures. The appropriation is allocated to the following budgets: the Northern Nevada Child and Adolescent Services, $201,329; the Southern Nevada Child and Adolescent Services, $1,156,544.

Roll call on Senate Bill No. 526:

YEAS—21.

NAYS—None.

Senate Bill No. 526 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 11.

Resolution read third time.

Remarks by Senators Woodhouse, Settelmeyer and Segerblom.

SENATOR WOODHOUSE:

Senate Joint Resolution No. 11 proposes to amend the *Nevada Constitution* to provide for annual regular Legislative Sessions, limited in odd-numbered years to not more than 90 legislative days within 120 calendar days and in even-numbered years to not more than 30 legislative days within 45 calendar days. A Legislative day is defined as any calendar day on which either House of the Legislature is in Session or any Legislative Committee holds a meeting during a Session.

The resolution also proposes to remove the current constitutional provisions that limit payment of Legislator salaries to the first 60 days of a regular Session and the first 20 days of a Special Session and proposes instead that Legislators be compensated at regular intervals as set by law.

Finally, Senate Joint Resolution No. 11 proposes to remove the restriction of $60 per Session for office expenses, such as postage and stationery, and to authorize Legislators to appropriate funds for actual expenses that members may incur for each Legislative Session.

SENATOR SETTELMEYER:

I rise in opposition to Senate Joint Resolution No. 11. Having an annual Legislature gets to the aspect of predictability for the businesses in this area. Many people feel the State has grown, and it would be responsible for us to grow and go to annual sessions. The state of Texas is significantly larger than we are and is able to meet every other year. I look at the concept of raising money at the same time as we are voting on issues and find it problematic. Regarding the pay raise, the people should bring that to us, not we bring it to them. I will be voting "no" on Senate Joint Resolution. No. 11.

SENATOR SEGERBLOM:

The last time this was voted on by the people was 40 years ago. Our State is dramatically different and dramatically larger now. If you vote for this, all you are saying is that the voters have the right to consider the issue. You are not voting for or against annual sessions; you are saying the voters should decide. If this bill passes now, it will be voted on again in 2019. If it passes then, it will go to the voters in 2020. If it passes then, the first annual session would be in 2022, five years from now. At that point, our State will have over 3 million people and will deserve to have annual Legislative Sessions.

Roll call on Senate Joint Resolution No. 11:

YEAS—12.

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

Senate Joint Resolution No. 11 having received a constitutional majority, Mr. President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 14.

Resolution read third time.

Remarks by Senators Ratti, Gansert and Kieckhefer.

SENATOR RATTI:

Senate Joint Resolution No. 14 proposes to amend the *Nevada Constitution* to provide that for the first fiscal year after real property is sold or transferred, the real property is ineligible for any adjustment to the value of improvements on the real property, which is based on the age of the improvement and is also ineligible for certain partial abatements. Senate Joint Resolution No. 14 also proposes to amend the *Nevada Constitution* to require the Legislature to enact by law a "Senior and Disabled Taxpayers Protection Act." What this Resolution does is allow for another vote next Legislative Session, and then it would go on the ballot to let the voters decide if they agree that our current system of adding depreciation to property taxes actually creates an unfair and unequal differential between a mansion, that might be paying less property taxes, and a small single-family home. We are the only state in the Nation that applies depreciation to property tax, and it is an issue that needs to be corrected because we have created structural deficits for our local governments and schools that rely on local property tax. I urge your support.

SENATOR GANSERT:

I rise in opposition to Senate Joint Resolution No. 14. Property tax is extremely complex and this could be a start, because we do need to amend the Constitution, but we also need to follow with statute. We should look at this over the interim so we can come up with a comprehensive solution.

SENATOR KIECKHEFER:

I rise in support of Senate Joint Resolution No. 14. I agree with my colleague from Senate District No. 15 that it is complicated, and an interim study is warranted. I hope we pass one this Session to take a more comprehensive look at property tax during the interim. That would provide us with the opportunity to come back to the Legislature in 2019 and reject this resolution and not send it to the voters if the Interim Committee finds the provisions of this resolution are not appropriate. It allows us to move forward without making any dramatic change or taking the time to study it.

I have been adamant about not increasing property taxes on my constituents this Session. This resolution does not raise taxes even if it passes now. If it passes in 2019, no one's taxes are going up. If it is approved by the voters, no one's property taxes are going up. At that time, only in a situation where someone buys another property would that property be affected by this resolution, and the buyer would pay taxes based on the market value of the land and the replacement cost at that time. I am comfortable with this resolution as we look over the next few years. It puts us in a position to put the question to the voters, if necessary, based on that review.

Roll call on Senate Joint Resolution No. 14:

YEAS—13.

NAYS—Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Roberson, Settelmeyer — 8.

Senate Joint Resolution No. 14 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 34.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 34 reduces the number of appraisals required when selling or leasing State land from two to one. When selling or leasing State land, or land owned by an incorporated city or county in a county with a population of 45,000 or more, the bill prohibits using an appraiser if a relative of the appraiser within the third degree of consanguinity or affinity has an interest in the land or an adjoining property. For counties with a population less than 45,000, and cities within those counties, the applicable degree of consanguinity and affinity is increased to the second degree.

The bill expands the allowable uses of the Revolving Account for Land Management to include certain costs of acquisition, such as environmental assessments and mitigation and raises the balance at which the State Land Registrar may request an allocation from the State General Fund from $5,000 to $20,000. The measure also eliminates the duty of the State Lands Administrator to collect certain data and clarifies duties to compile information. Finally, the bill repeals provisions related to the Lincoln County Pilot Land Development and Disposal Law.

Roll call on Assembly Bill No. 34:
YEAS—21.
NAYS—None.

Assembly Bill No. 34 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 57.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 57 requires a coroner to make a reasonable effort to notify the next of kin who is authorized to order the burial or cremation of the human remains of a decedent upon the death of the decedent. The bill also authorizes a coroner to notify the parents, guardians, adult children or custodians of the decedent of the decedent's death and provide a copy of the report of the coroner to the parents, guardians, adult children or custodians, as applicable.

Roll call on Assembly Bill No. 57:
YEAS—21.
NAYS—None.

Assembly Bill No. 57 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 60.

Bill read third time.

Remarks by Senator Atkinson.

Assembly Bill No. 60 establishes a late fee of $25 for the reinstatement of expired licenses and registrations that are required by the Department of Motor Vehicles (DMV) for the operation of certain businesses relating to vehicles. The types of businesses to which this late fee applies include vehicle transporters, manufacturers, distributors, dealers, rebuilders, brokers, wreckers, salvage pools, body shops and garages. The bill also requires a vehicle transporter who electronically submits the statement required for licensure regarding child support to retain the original version of the statement for three years after submission; requires that the application form necessary to apply for initial licensure to operate as an automobile wrecker, a salvage pool, or a body shop must designate the persons whose names must appear on the form and whose fingerprints have to be taken and forwarded to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation; requires a person applying for initial licensure to operate as a broker of vehicles or a salesperson of vehicles, trailers or semitrailers to pay a fee established by the DMV for processing the fingerprints; revises the types of convictions for which a license as a salesperson of vehicles, trailers or semitrailers may be denied, and repeals the requirement for payment of a fee for the issuance of temporary placards issued by a seller or long-term lessor of a vehicle that authorizes the operation of such a vehicle on the highways of this State for a period not to exceed 30 days.

Roll call on Assembly Bill No. 60:
YEAS—21.
NAYS—None.

Assembly Bill No. 60 having received a two-thirds majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 65.
Bill read third time.
Remarks by Senator Spearman.
Assembly Bill No. 65 authorizes the Board of County Commissioners in Clark and Washoe Counties to use money from the Fund for Medical Assistance to Indigent Persons to provide supplemental payments to certain public hospitals in those counties. The bill also authorizes the Board of County Commissioners in Clark County to make grants from the Fund to any public hospital in the county for the construction or acquisition of capital assets and the renovation of facilities.

Roll call on Assembly Bill No. 65:
YEAS—21.
NAYS—None.

Assembly Bill No. 65 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 70.
Bill read third time.
Remarks by Senator Manendo.
Assembly Bill No. 70 limits to 18 percent the amount of the property-tax revenue collected in a redevelopment area in a city in Clark County that must be set aside to improve and preserve public educational facilities that are located within the redevelopment area or that serve pupils who reside within the redevelopment area, or also in the case of the City of Las Vegas, to improve, preserve or enhance housing for low-income households. Additionally, the bill removes the requirement that the educational facilities be existing facilities, expands the purposes for which money may be spent in connection with such facilities, and authorizes such spending for facilities, educational programs and activities that are located in or within one mile of the redevelopment area or that serve pupils who reside in or within one mile of the redevelopment area.

Roll call on Assembly Bill No. 70:
YEAS—20.
NAYS—Gustavson.

Assembly Bill No. 70 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 89.
Bill read third time.
Remarks by Senator Woodhouse.
Assembly Bill No. 89 prohibits the Department of Health and Human Services from suspending programs and duties relating to the collection and dissemination of information relating to surgical centers for ambulatory patients. In addition, the measure requires the Division of Public and

Behavioral Health to submit a quarterly report to the Legislature concerning information submitted to the Division by a surgical center for ambulatory patients relating to the discharge location of its patients.

Roll call on Assembly Bill No. 89:
YEAS—21.
NAYS—None.

Assembly Bill No. 89 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 113.

Read third time.

Senator Atkinson moved the bill be taken from the General File and placed on the Secretary's desk.

Motion carried.

Assembly Bill No. 114.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 114 increases the cap on indebtedness of an irrigation district from $1 million to $1.055 million. The bill also expands the scope of indebtedness that may be incurred in connection with the Federal Reclamation Safety of Dams Act to include compliance with any federal statute or regulation. The cap on the annual assessment levied on property in an irrigation district for the payment of ordinary expenses is raised from $1.50 to $1.70 per acre and the cap on the annual assessment for capital improvements is raised from $5 to $5.70 per acre.

The measure provides for indexing of both the caps on indebtedness and the annual assessments by an amount equal to the lesser of 4.5 percent or the average percentage increase of the Consumer Price Index for West Urban Consumers for the preceding 5 years. Starting on July 15, 2018, and each year thereafter, an irrigation district board shall give notice of the adjusted amount to the owners of land in the district.

Roll call on Assembly Bill No. 114:
YEAS—21.
NAYS—None.

Assembly Bill No. 114 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 128.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 128 exempts from licensure as a process server a person who, without compensation, serves legal process to another person not more than three times per year.

Roll call on Assembly Bill No. 128:
YEAS—21.
NAYS—None.

Assembly Bill No. 128 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 136.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 136 allows the court to use an evidence-based risk assessment tool in deciding whether there is good cause to release a person without bail. In addition, the court must consider other factors for releasing a person without bail including imposing one or more conditions on the person to mitigate the risk of failure to appear or the risk to public safety. Lastly, the measure provides that after the defendant has personally appeared before the magistrate, the magistrate may not rely solely on any standardized bail schedule to set the amount of bail.

Roll call on Assembly Bill No. 136:

YEAS—12.

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

Assembly Bill No. 136 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 165.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 165 creates a new category of licensure, a health-services executive, for persons who act as both an administrator of a residential facility for groups and a nursing-facility administrator.

Roll call on Assembly Bill No. 165:

YEAS—21.

NAYS—None.

Assembly Bill No. 165 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 173.

Bill read third time.

Remarks by Senator Gustavson.

Assembly Bill No. 173 changes the requirements for applying for a name change. The applicant for a name change must submit with the verified petition to the district court a statement signed under penalty of perjury that the applicant is not changing his or her name for a fraudulent purpose. In addition, the requirement that an applicant publish a notice of the name change in a newspaper of general circulation in the county once a week for three weeks in a row is changed to at least one time.

Roll call on Assembly Bill No. 173:

YEAS—21.

NAYS—None.

Assembly Bill No. 173 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 180.

Bill read third time.

Remarks by Senator Cannizzaro.

Assembly Bill No. 180 enacts the Juvenile Justice Bill of Rights. The measure sets forth certain rights of a child who is detained in a detention facility and requires the facility to inform the child of those rights. However, reasonable restrictions on the rights of a child may be imposed if those restrictions are necessary to preserve order, security or safety. A child who believes that his or her rights have been violated is authorized to raise and redress a grievance. Lastly, each detention facility must establish policies to ensure that a child who is detained, has timely access to clinically-appropriate psychotropic medication.

Roll call on Assembly Bill No. 180:

YEAS—21.

NAYS—None.

Assembly Bill No. 180 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 190.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 190 expands certain statutory requirements related to the completion of safety and health hazard recognition and prevention training to workers and supervisors at sites related to the entertainment industry. Not later than 15 days after an individual is hired, a worker or supervisory employee is required to obtain a card stating that he or she has completed an approved training course, and the completion card must be presented to the employer. If a worker or supervisory employee fails to do so, the employer must suspend or terminate the employment of the individual. The bill provides that an employer, who fails to suspend or terminate an employee as required, is subject to an administrative fine.

The measure also provides for the first year after the effective date of the bill, employees may satisfy the safety training requirements by completing an alternative course provided by an employer, and it requires such an employer to maintain certain records. Finally, the bill requires the Division of Industrial Relations of Nevada's Department of Business and Industry to approve courses for fulfilling the requirements of the bill and directs the Division to establish a registry of providers of approved courses.

Roll call on Assembly Bill No. 190:

YEAS—21.

NAYS—None.

Assembly Bill No. 190 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 195.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 195 revises provisions governing the State Board of Cosmetology and the professionals it regulates. The bill allows the Governor to remove a Board member under certain circumstances, combines the position of Board Secretary and Board Treasurer, revises provisions governing the deposit and use of fees and other money; prohibits certain expenses from being charged against the State General Fund, and eliminates the Boards' revolving fund used for cash advances. Additionally, Assembly Bill No. 195 removes an obsolete provision related to the examination of applicants as a purpose of a Board meeting and allows the Board to receive certain criminal-history reports. The bill also allows the Board upon request to provide examinations for licensure and registration in languages other than English and to issue duplicate licenses or certificates.

As it relates to licensees, Assembly Bill No. 195 revises certain continuing education requirements, the documentation required by certain applicants and the circumstances under which a license as a student instructor expires. It reduces from 3,600 to 3,200 the number of hours needed to apply for a license as a cosmetologist and requires students to receive a minimum of 10 percent of the total hours of instruction for a particular profession prior to commencing work on members of the public. Assembly Bill No. 195 also includes prostitution or solicitation as grounds for disciplinary action by the Board and provides for the temporary suspension of a license or certificate of registration without a prior hearing under certain circumstances. Finally, the measure eliminates a restriction against cosmetological establishments advertising or otherwise representing to the public the business is primarily engaged in cutting men's hair.

Roll call on Assembly Bill No. 195:

YEAS—20.

NAYS—Gustavson.

Assembly Bill No. 195 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 199.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 199 changes the name of a "Physician Order for Life-Sustaining Treatment" to a "Provider Order for Life-Sustaining Treatment" (POLST) throughout *Nevada Revised Statutes* and authorizes a physician assistant or an advance practice registered nurse to make certain determinations regarding and executing such a form. The bill also provides for surrogates to request and execute a POLST on a patient's behalf and revises the standard for determining whether a patient has the capacity to execute or revoke the form. The bill further requires a health-care provider to honor a POLST under certain circumstances.

Roll call on Assembly Bill No. 199:

YEAS—21.

NAYS—None.

Assembly Bill No. 199 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 214.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 214 requires the Division of Public and Behavioral Health to establish a program to encourage participation in clinical trials of drugs and medical devices by persons who

are members of demographic groups that are underrepresented in such trials. This bill also requires each State or local governmental entity that conducts such trials to adopt a policy concerning the identification and recruitment of such persons to participate in those trials.

Roll call on Assembly Bill No. 214:
YEAS—21.
NAYS—None.

Assembly Bill No. 214 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 228.
Bill read third time.
Remarks by Senator Harris.
Assembly Bill No. 228 revises provisions regarding the termination of parental rights. The measure requires personal service to be attempted on a parent or legal custodian or guardian regardless of where the person resides. Before notice of hearing for the termination of parental rights is published, the clerk of the court is required to replace the name of the child with the initials of the child. The hearing may take place any time after the birth of the child and service on the father or putative father, if known, is completed. The hearings, files and records of the court relating to a proceeding to terminate parental rights are confidential with certain exceptions. Lastly, this measure provides that the conviction of the natural parent of a child for a sexual assault that results in the conception of the child is grounds for terminating the parental rights of the natural parent.

Roll call on Assembly Bill No. 228:
YEAS—21.
NAYS—None.

Assembly Bill No. 228 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 229.
Bill read third time.
Remarks by Senator Segerblom.
Assembly Bill No. 229 revises State law by authorizing the marriage of two persons, regardless of gender. It makes Nevada law comport with the *U.S. Constitution* as interpreted by United States Supreme Court.

Roll call on Assembly Bill No. 229:
YEAS—20.
NAYS—Gustavson.

Assembly Bill No. 229 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 231.
Bill read third time.
Remarks by Senator Farley.
Assembly Bill No. 231 revises the date of the annual report that the Governor's Office of Economic Development must submit to the Governor and the Legislative Counsel Bureau relating

to local-emerging small businesses from September 15 to December 1. The bill additionally eliminates the requirement that the Office aid in the development of inland ports in Nevada.

Roll call on Assembly Bill No. 231:
YEAS—21.
NAYS—None.

Assembly Bill No. 231 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 232.
Bill read third time.
Remarks by Senator Cannizzaro.
Assembly Bill No. 232 revises the procedure for changing the name of a minor. A parent of an unemancipated minor may file a verified petition with the clerk of the district court where the minor resides. The measure sets forth steps a parent must take if there is not consent of the other parent. Upon proof of filing and evidence of service, the court is required to make an order changing the name of the minor as requested in the petition upon being satisfied by the statements in the petition or other evidence that good reason exists, verified parent consent of the other parent is stated in the petition or no written objection is filed within ten days after the notice and service requirements have been fulfilled. If an objection is filed, then the court is required to hold a hearing. The order must be recorded as a judgment of the court, and the clerk is required to transmit a certified copy of the order to the State Registrar of Vital Statistics. Finally, a petition to change the name of an unemancipated minor may be filed in an action for divorce, child custody, the establishment of parentage, the termination of parental rights or the emancipation of a minor.

Roll call on Assembly Bill No. 232:
YEAS—21.
NAYS—None.

Assembly Bill No. 232 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 245.
Bill read third time.
Remarks by Senator Cannizzaro.
Assembly Bill No. 245 requires a pharmacist, including a certified Internet pharmacy, to dispense an interchangeable biological product in substitution for a prescribed biological product under certain circumstances. The dispensing pharmacist must also provide certain information to a patient's prescribing practitioner concerning the specific product dispensed.

Roll call on Assembly Bill No. 245:
YEAS—21.
NAYS—None.

Assembly Bill No. 245 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 255.
Bill read third time.

Remarks by Senator Cannizzaro.

Assembly Bill No. 255 exempts from regulation as a deferred deposit, high-interest or payday lender or as an installment lender, a person who exclusively lends credit for business, commercial or agricultural purposes outside of this State to persons who are not residents of this State.

Roll call on Assembly Bill No. 255:

YEAS—21.

NAYS—None.

Assembly Bill No. 255 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 271.

Bill read third time.

Remarks by Senators Manendo and Roberson.

SENATOR MANENDO:

Assembly Bill No. 271 repeals provisions regarding a panel to review the findings of a fact finder and instead provides that the findings and award of the fact finder are final and binding on the parties engaged in collective-bargaining negotiations. For labor disputes involving firefighters and police officers, the bill provides that unless the parties to the dispute agree to make the findings of the fact finder final and binding, the report of the fact finder must include recommendations for settlement of the dispute in lieu of an award, and the findings and recommendations of the fact finder are not binding on the parties.

The bill clarifies that leave provided by a local government employer to an employee for time spent by the employee in performing duties or providing services for an employee organization is a mandatory subject of collective bargaining. The bill also provides that unless the terms of the agreement between a local government employer and an employee organization provide otherwise, if the local government employer agrees to provide such leave, there is a rebuttable presumption that the full cost of such leave has been offset by the value of concessions made by the employee organization.

SENATOR ROBERSON:

This bill is another attempt to go back on a bipartisan agreement made last Session. This is a retread. This Body can pass it today, but this bill is going nowhere.

Roll call on Assembly Bill No. 271:

YEAS—12.

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

Assembly Bill No. 271 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 310.

Bill read third time.

Remarks by Senators Goicoechea, Settelmeyer and Parks.

SENATOR GOICOECHEA:

Assembly Bill No. 310 requires the Board of County Commissioners in certain counties where the salary of a public administrator is not set by law, to set and pay the annual compensation of a public administrator for certain costs and expenses. This bill also authorizes such public administrators to retain all fees provided by law.

SENATOR SETTELMEYER:
Does this bill allow them to not only get the percentage and fees, but also a salary on top of those?

SENATOR GOICOECHEA:
It does allow them to retain the percentage fees. The compensation will be set by the board of county commissioners, so in many cases if they are not experiencing a great number of estates, the monthly compensation may be as low as $200 to $300 or could range up to $500.

SENATOR SETTELMEYER:
I am going to support this bill, but there is a point in the future where we need to look at the concept of not only letting people keep a percentage of the estate and keep their fees but also add a fee. We need to address this.

SENATOR PARKS:
This bill is a first start. There are complications with this, and it is an area we need to look at further. We need to continue to work on it and find a better solution in the future.

Roll call on Assembly Bill No. 310:
YEAS—21.
NAYS—None.

Assembly Bill No. 310 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 316.
Bill read third time.
Remarks by Senator Denis.
Assembly Bill No. 316 revises provisions governing the services provided to an offender prior to an offender's release from prison. The Director of the Department of Corrections is authorized to provide mediation services to the offender and the offender's supporting family and friends and evidence-based or promising practice reentry programs to certain offenders within three months of the offender's release. Lastly, the measure encourages the Director to work with the Governor's Nevada Community Re-Entry Task Force to align Statewide reentry strategies and their implementation.

Roll call on Assembly Bill No. 316:
YEAS—21.
NAYS—None.

Assembly Bill No. 316 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 317.
Bill read third time.
Remarks by Senator Settelmeyer.
Assembly Bill No. 317 prohibits a person from adopting a fictitious name that imitates or causes another person to reasonably believe the fictitious name is the name of or a name associated with a government, governmental agency, political subdivision of a government, federally recognized Indian tribe or nation or any other governmental entity found within this State, another state or the United States.

Roll call on Assembly Bill No. 317:
YEAS—21.
NAYS—None.

Assembly Bill No. 317 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 319.
Bill read third time.
Senator Segerblom moved that the bill be taken from the General File and placed on the Secretary's desk.
Motion carried.

Assembly Bill No. 335.
Bill read third time.
Remarks by Senator Manendo.
Assembly Bill No. 335 requires, with exceptions, that a person driving a moped travel in the extreme right-hand lane if the highway has two or more clearly marked lanes for traffic traveling in the same direction.

Roll call on Assembly Bill No. 335:
YEAS—21.
NAYS—None.

Assembly Bill No. 335 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 392.
Bill read third time.
Remarks by Senator Gansert:
Assembly Bill No. 392 revises provisions relating to communications published in support of or in opposition to a candidate in an election. If a communication includes the name and address or other official contact information of a governmental entity, the communication must disclose that it was not endorsed by and is not an official publication of the State of Nevada or a political subdivision, as applicable. A governmental entity includes the State of Nevada or any agency, board, commission or similar entity, as well as a public officer of the State or a political subdivision. The official name and address or other official contact information of a governmental entity is defined.

Roll call on Assembly Bill No. 392:
YEAS—21.
NAYS—None.

Assembly Bill No. 392 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 393.
Bill read third time.
Remarks by Senators Manendo and Kieckhefer.

SENATOR MANENDO:

Assembly Bill No. 393 sets forth legislative findings relating to proposed changes in zoning and hillside-development standards on the undeveloped lands adjacent to the Sunrise and Frenchman Mountains. The bill declares that it is consistent with the Legislature's intent for the Board of Commissioners of Clark County to strengthen, as necessary, to promote responsible development and preserve important natural resources the existing zoning and hillside-development standards on the undeveloped desert lands adjacent to the western faces of Sunrise and Frenchman Mountains.

SENATOR KIECKHEFER:

Is there anything to prohibit the Clark County Commission from doing their natural process in enforcing and setting their own zoning standards? Does this change anything in the County Commission's authority to regulate what is under their general prevue as a government entity?

SENATOR MANENDO:

It does not.

Roll call on Assembly Bill No. 393:

YEAS—19.

NAYS—Gustavson, Kieckhefer—2.

Assembly Bill No. 393 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 435.

Bill read third time.

Remarks by Senators Hardy and Goicoechea.

SENATOR HARDY:

I rise in support of Assembly Bill No. 435. I have a good friend who has a daughter that is going to give a speech on this very topic. It will make her proud we have done something good in the world today to honor Sarah Winnemucca.

SENATOR GOICOECHEA:

Assembly Bill No. 435 requires the Governor annually to proclaim October 16 to be "Sarah Winnemucca Day" in the State of Nevada. The Governor's 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 Sarah Winnemucca made to the Paiute Tribe, the State of Nevada and the United States.

Roll call on Assembly Bill No. 435:

YEAS—21.

NAYS—None.

Assembly Bill No. 435 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 438.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 438 provides that a person who knowingly or intentionally sells, manufacturers, delivers, brings into the State or is in actual or constructive possession of certain controlled substances other than marijuana is guilty of level 1 drug possession, level 2 drug possession or trafficking in a controlled substance, depending on the type and quantity of the

controlled substance involved. The court is authorized to reduce or suspend the sentence of a person who is convicted of a level 2 drug possession involving certain controlled substances without requiring the person to render substantial assistance in the investigation or prosecution of any offense.

The measure reduces the penalty for a person knowingly using or being under the influence of a controlled substance from a category E felony to a misdemeanor, and in cases where the controlled substance is listed in schedule V, from a gross misdemeanor to a misdemeanor.

Roll call on Assembly Bill No. 438:

YEAS—12.

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

Assembly Bill No. 438 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 445.

Bill read third time.

Remarks by Senators Atkinson and Settelmeyer.

SENATOR ATKINSON:

Assembly Bill No. 445 prohibits an insurer from denying a claim that arises under a policy of motor-vehicle insurance for any accident or motor-vehicle crash that occurs during the personal use of the motor vehicle because the insured, claimant or group of insured or claimants is a driver for a transportation-network company. The bill reduces the minimum amount of coverage required for certain transportation-network company insurance and requires transportation-network company insurance to provide for the medical payment coverage of any occupant of the motor vehicle. Lastly, the bill prohibits a driver for a transportation-network company from refusing to complete the transportation services and makes the driver liable for an administrative fine of not more than $1,000 if the driver refuses to complete the transportation services.

The bill lowers the cap from $1.5 million to $1 million and adds $10,000 in medical coverage. We heard testimony that we rarely get to the $1.5 million but always exceed the amount in the medical category so this is a way of making sure people can pay their medical bills.

SENATOR SETTELMEYER:

I appreciate my colleague's concerns, but I viewed it differently. I felt we did a good job making sure we were the highest in the Nation in having the insurance coverage at $1.5 million. Going down to $1 million is problematic; it is a reversal of what we did last year. There is another bill that went through this legislative process related to raising the medical portion. Regarding the last portion related to completing the ride, if a person does not feel safe in a vehicle because someone is in it, he or she has the right to tell that person to get out because they no longer feel safe.

Roll call on Assembly Bill No. 445:

YEAS—12.

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

Assembly Bill No. 445 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 459.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 459 authorizes a court to order tests for the typing of blood or taking of specimens for the genetic identification of a child who may be in need of protection.

Roll call on Assembly Bill No. 459:

YEAS—21.

NAYS—None.

Assembly Bill No. 459 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 465.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 465 authorizes the Secretary of State to appoint fewer than nine members to the Advisory Committee on Participatory Democracy. The bill also shortens the term of the members from three years to two years, revises the quorum requirements to conform to the decrease in the number of members and reduces the number of meetings the Committee is required to hold in a calendar year.

Roll call on Assembly Bill No. 465:

YEAS—21.

NAYS—None.

Assembly Bill No. 465 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 466.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 466 allows a former State employee who is not receiving benefits under the Public Employees' Retirement System to enter into a contract for services with a former employing agency within two years of the date of termination of employment. This bill directly affects those individuals who might have been interns for a State agency and their internships ended, however, the agency wishes to employ them as a contractor. It has a limited application.

Roll call on Assembly Bill No. 466:

YEAS—21.

NAYS—None.

Assembly Bill No. 466 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 7.

Resolution read third time.

Remarks by Senators Cannizzaro and Settelmeyer.

SENATOR CANNIZZARO:

Assembly Joint Resolution No. 7 expresses the opposition of the Nevada Legislature to certain proposed changes to Medicare and the Old Age and Survivors Insurance provisions of the Social

Security Act of 1935. The resolution urges Congress to work toward a bipartisan solution to preserve fully these benefits and to avoid privatization of the provisions.

SENATOR SETTELMEYER:

This resolution tells Congress not to do anything with Social Security and Medicare funds, especially in the realm of privatization. The Social Security Trust Fund is no longer that; it is an IOU box that Congress has been stealing money from for decades. At some point, we have to address these issues. At some point, some individual in the next generation needs to say they are tired of IOUs and govern their own future. I do not support this resolution.

Roll call on Assembly Joint Resolution No. 7:

YEAS—18.

NAYS—Goicoechea, Gustavson, Settelmeyer—3.

Assembly Joint Resolution No. 7 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 9.

Resolution read third time.

Remarks by Senator Segerblom.

Assembly Joint Resolution No. 9 urges the United States Congress to not repeal the Patient Protection and Affordable Care Act, also known as Obamacare in honor of our greatest President ever, President Obama, and to fully preserve the benefits the Act affords many Nevadans.

Roll call on Assembly Joint Resolution No. 9:

YEAS—12.

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

Assembly Joint Resolution No. 9 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 10.

Resolution read third time.

Remarks by Senators Spearman, Hardy, Goicoechea, Cannizzaro and Roberson.

SENATOR SPEARMAN:

Assembly Joint Resolution No. 10 expresses opposition to the development of a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain in the State of Nevada. The resolution protests any attempt by the United States Congress to move forward with the repository for spent nuclear fuel and high-level radioactive waste at the site; calls on the President of the United States to veto legislation that would locate such waste in this State; calls on the Secretary of Energy to find the proposed repository unsuitable; abandon consideration of Yucca Mountain as a site, and initiate a process to find alternative strategies for dealing with such waste.

SENATOR HARDY:

There can be no discussion, deal or agreement from the State of Nevada on Yucca Mountain spent fuel repository until all safety concerns have been addressed and resolved. We cannot have anyone in Nevada or visitor to Nevada put at risk from either the shipment or storage of spent nuclear waste. Real people have reasonable and real concerns about the transportation and storage of nuclear waste in Nevada. The hospitality industry is concerned even about the perception of any risk that would decrease visitation to southern Nevada. People who drive the roads and live

in proximity to the roads that would be used have fears of accidents. Farmers could worry about wells in danger of contamination. Politicians do not want to be the ones who have to live with the wrong decision that could turn out like a water contamination on a bigger scale than Flint, Michigan.

In so many ways, the Yucca Mountain project illustrates that perception is reality. Thus, it behooves us to be sure that the "science" of nuclear storage is unassailable, irrefutable and verifiable. We will have to have every doubt and every question resolved with rational answers not only just from the advocates but also from the skeptics with facts and figures. Even from those in foreign countries need to be assured that this is a safe place to come, stay and play. Water is critical for our lives and posterity. We already know that the aquifers under the Nevada Test Site have been contaminated by underground detonations as well as the well-documented effects on those downwind from the above ground detonations. People will mistrust a Government report as recently released as May 2016 that uses the word "small" in describing the potential adverse effect on water.

There are definite economic benefits and risks for Nevada with the acceptance of spent fuel storage. People understand that "spent fuel" is not really inert and impotent, inasmuch as we still have to cool it down on site for about a decade before putting it into an unbreakable cask and bury it in the ground far away from civilization. Business, developers and public officials all care about the fragile consumer confidence that drives our economy.

Since Statehood, Nevada has been shortchanged. Nevada only received one half the land as it could have had. Nevada leads the Nation in the percentage of land controlled by the federal government. Payment in Lieu of Taxes (PILT) has not matched the revenue that would be generated had land been in private hands. Nevada remains at or near the bottom of the states getting a percentage of our money back from our taxes sent to Washington D.C.

I have been impressed that the best laws come about with getting consensus and resolution of concerns from all viewpoints taken seriously into account. Partnerships work better than opposing parties when momentous changes are made. How can we agree on something? Trust. It would be difficult for Nevada to work with the federal government when things are seen as impositions as opposed to agreed-upon opportunities. How can Congress build trust? Relinquish land control; build a railroad; participate in road financing; consider local programs such as SNPLA; recognize that BLM land take-downs need to take into account contiguous parcels with water run-off realities; facilitate communication corridors for fiber optics and energy transmission; complete the 1-11 freeway to Las Vegas and on to Reno; make the "Test Site" (we call it that) a place to develop research for reprocessing nuclear waste; use spent fuel as a heat source to generate energy without water like some solar plants using salt, as well as protecting the Grid including microprocessor technologies and listen to the locals who know Nevada better than those who live far away.

Political science will trump science, but we need both to concur and work together. I appreciate what Senator Reid, Former Governor Guinn and Governor Sandoval have done to protect Nevada. We have come to a point where things are changing and the tide is shifting. I can count votes. In 2003, I presented Assembly Joint Resolution 6, originally asking for enough land to build a railroad from the Utah border to the Test Site as well as making a more reasonable PILT to Nevada. The land part was not accepted, as Nevada had the votes to stop the nuclear waste from coming. I now see Nevada in a place to call for all the above mentioned requirements to be met, especially safety for all and a relationship built on trust and respect for the process of working together in this land of the free.

SENATOR GOICOECHEA:

I rise in opposition. I have long been a proponent of interim storage in Nevada. Let science prevail. I am not sure underground storage is the mechanism we need for storing. The test site is contaminated, and I have long been a proponent of above-ground, dry storage in the interim. I will be opposing this resolution.

SENATOR CANNIZZARO:

When I was in middle school, Woodbury Middle School in Las Vegas, my teacher, Miss Mary Ellen, asked us to write an essay. It was one of the first essays I ever had to write. That essay was quite simply about whether or not we should be storing nuclear waste at Yucca Mountain. My

middle school self resoundingly wrote an essay for the first time, indicating that, after looking over all the things we had access to, my answer was "no". Many things have changed since I was in middle school, but the one thing that has not changed is I am still standing here, and I am now urging my colleagues in the Nevada Senate to say "no" to nuclear storage at Yucca Mountain and to support this resolution.

SENATOR ROBERSON:

In 1987, Washington D.C.'s decision to use Yucca Mountain as a repository for other states' nuclear waste was an attempt to screw Nevada. Washington has been trying to screw Nevada for the last 30 years. It is time for all of us, today, through Assembly Joint Resolution No. 10 to tell Washington to stop screwing with Nevada.

Roll call on Assembly Joint Resolution No. 10:

YEAS—19.

NAYS—Goicoechea, Gustavson—2.

Assembly Joint Resolution No. 10 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 13.

Resolution read third time.

Remarks by Senators Ratti, Settelmeyer, Goicoechea and Gansert.

SENATOR RATTI:

Assembly Joint Resolution No. 13 expresses the support of the Nevada Legislature for the designation of the Basin and Range National Monument and Gold Butte National Monument under the federal Antiquities Act of 1906. Assembly Joint Resolution No. 13 cites the myriad natural and cultural resources within the area of two National Monuments and the support of Nevadans for such designations. The resolution also urges Congress to oppose efforts to weaken the Antiquities Act or to reverse the designations of the two National Monuments in Nevada.

SENATOR SETTELMEYER:

My opposition is to the Antiquities Act itself. It was originally structured to be very narrow in its focus in the protection of things that are deemed to be scientific features, cultural, significant minor natural actions. When you do the Antiquities Act to the smallest action on record, which is .0074 acres, that makes sense. When you do it to the largest one, which was 112 million acres, it does not. Therefore, I rise in opposition.

SENATOR GOICOECHEA:

I rise in opposition not to the Antiquities Act but to the process. There was not the local involvement required, especially on the Basin and Range. We withdrew 704,000 acres there with no consensus and little input from those surrounding people. We need to revisit that and look at it. Gold Butte is different, but there was more participation there. The Antiquities Act needs to be changed, and there has to be public involvement as well as local government. I urge you to oppose this resolution.

SENATOR GANSERT:

I, too, rise in opposition to the resolution. I appreciate the comments from the Senator from District 19. I agree that we need to have public input. If you look at the Antiquities Act, it was amended twice relative to States that were similar to us in that they are vast. Montana and Alaska both have consent required before another resolution can be made; we need more input from our State.

Roll call on Assembly Joint Resolution No. 13:

YEAS—12.

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

Assembly Joint Resolution No. 13 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 1:05 p.m.

SENATE IN SESSION

At 1:09 p.m.

President Hutchison presiding.

Quorum present.

WAIVERS AND EXEMPTIONS

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Assemblywoman Benitez-Thompson

For: Senate Bill No. 442.

To Waive:

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

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

Has been granted effective: Tuesday, May 16, 2017.

AARON D. FORD
Senate Majority Leader

JASON FRIERSON
Speaker of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bill No. 488 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Senator Atkinson moved that Assembly Bill No. 105 be taken from the Secretary's desk and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 394.

Bill read second time.

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

Amendment No. 673.

SUMMARY—Revises provisions relating to ~~[Medicaid managed care and required coverage provided by health insurers. (BDR 38-950)]~~ health insurance. (BDR 57-950)

AN ACT relating to health ~~[care; requiring the Director of the Department of Health and Human Services to make coverage through the Medicaid managed care program available for purchase on the Silver State Health Insurance Exchange by persons who are not otherwise eligible for Medicaid under certain conditions; requiring the Director to seek any necessary waivers from the Federal Government to provide such coverage and to provide certain incentives to persons who purchase such coverage; requiring insurers to offer health insurance coverage regardless of the health status of a person; requiring insurers to provide coverage for certain essential health benefits without an annual, lifetime or other maximum limit on coverage; requiring insurers to allow the covered adult child of an insured to remain covered by the health insurance of the insured until 26 years of age;]~~ insurance; requiring health maintenance organizations to provide certain data relating to health insurance claims to group purchasers of health insurance upon request; requiring the Legislative Committee on Health Care to study certain issues relating to health care during the 2017-2018 interim; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) provides a refundable federal income tax credit and cost-sharing reductions to certain eligible persons who earn not more than 400 percent of the federally designated poverty level in order to offset the cost of certain health care plan premiums. (26 U.S.C. § 36B, 42 U.S.C. § 18071; 45 C.F.R. § 155.305) The Act further requires that such credits and cost-sharing reductions only be made available to purchase health insurance which is offered on a state health insurance exchange, which includes, without limitation, the Silver State Health Insurance Exchange established by this State in 2011. (26 U.S.C. § 36B, 42 U.S.C. § 18071; NRS 695I.200) Existing federal law authorizes the Secretary of the United States Department of Health and Human Services to waive certain Medicaid requirements or provisions of the Act to promote state health care innovation. (42 U.S.C. §§ 1315, 18052)~~

~~Existing federal law states that the purpose of the Medicaid program is to promote access to health insurance for certain low-income persons. (42 U.S.C. § 1396) Existing law authorizes this State to enroll Medicaid recipients in a managed care program provided by a health maintenance organization pursuant to a contract with the Nevada Department of Health and Human Services. (42 U.S.C. § 1396u-2; NRS 422.273) Existing federal law also authorizes a state to receive its Federal Medical Assistance Percentage (FMAP) allotment of money from the Federal Government to reimburse providers of health care for medical services which are provided as part of a managed care program. (42 U.S.C. §§ 1396d, 1396u-2) Existing law requires this State to develop a State Plan for Medicaid which includes, without limitation, a list of the medical services provided to Medicaid recipients. (42 U.S.C. § 1396a; NRS 422.063) Existing law also prohibits a state from using FMAP or other federal Medicaid money to reimburse a provider of~~

~~health care for medical services which are provided to a person who earns more than 138 percent of the federally designated poverty level or for administrative expenses which are unrelated to the administration of Medicaid. (42 U.S.C. §§ 1396a, 1396b(a)(7); 42 C.F.R. 433.15(b))~~

~~Section 2 of this bill requires the Director of the Nevada Department of Health and Human Services to seek any necessary waiver of certain provisions of federal law to allow a Medicaid managed care program to be offered for purchase through the Silver State Health Insurance Exchange to persons who are otherwise ineligible for Medicaid. Section 48 of this bill revises the definition of "qualified health plan" to include the Medicaid managed care program so that it may be offered for purchase in the same manner as other health plans through the Silver State Health Insurance Exchange. Additionally, section 2 of this bill requires the Director to seek a federal waiver to allow persons to use the federal income tax credit and cost-sharing reductions authorized by the Act to purchase coverage through a Medicaid managed care program which is made available by the Silver State Health Insurance Exchange.~~

~~To the extent allowed by federal law or if any necessary waiver is granted by the Secretary of the United States Department of Health and Human Services pursuant to section 2, section 3 of this bill allows any person who is not otherwise eligible for Medicaid to purchase coverage through the Medicaid managed care program. Section 3 requires the Director of the Nevada Department of Health and Human Services to set the annual premium to be paid by a person who purchases such coverage. Section 3 further requires that the benefits offered in such a Medicaid managed care program be the same as those provided to other Medicaid recipients. Finally, section 3 prohibits the Nevada Department of Health and Human Services from using any federal money to offer such coverage through the Medicaid managed care program.~~

~~Existing Nevada law provides that an insurer may not deny, limit or exclude a benefit provided by a health care plan in certain limited circumstances, including, without limitation, when a person has contracted for a blanket policy of accident or health insurance or in certain cases relating to adoption. (NRS 689B.500, 689C.190, 695A.159, 695B.193, 695C.173, 695F.480) The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) prohibits an insurer from establishing eligibility rules for a health care plan based on certain health status factors, including, without limitation, preexisting conditions, claims history or genetic information, and also prohibits an insurer from charging a higher premium, deductible or copay based on these health status factors. (42 U.S.C. § 300gg-4) Sections 8, 15, 19, 24, 28, 34, 41 and 45 of this bill align Nevada law with federal law and require that all insurers offer health insurance coverage regardless of the health status of a person and prohibit an insurer from denying, limiting or excluding a benefit or requiring an insured to pay a higher premium, deductible, coinsurance or copay based on the health status of the insured or the covered spouse or dependent of the insured.~~

~~— The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) prohibits an insurer from imposing an annual or lifetime limit on the monetary value of certain essential health benefits which must be covered under a health care plan, including, without limitation, outpatient services, pregnancy, maternity, and newborn care and certain contraceptive drugs, devices and services. (42 U.S.C. § 300gg-11) The Act also authorizes the Secretary of the United States Department of Health and Human Services to specify the services which must be covered as part of an essential health benefit. (42 U.S.C. § 18022(b)(2)) Sections 9, 13, 25, 29, 35, 42 and 46 of this bill align Nevada law with federal law in this manner, and require the Nevada Department of Health and Human Services to issue regulations that determine the services which must be covered as an essential health benefit by an insurer, including, without limitation, the services currently required to be covered under the Act.~~

~~— The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) requires all insurers to extend coverage for the covered adult child of an insured until such child reaches 26 years of age. (42 U.S.C. § 300gg-14) Sections 10, 14, 26, 30, 36, 43 and 47 of this bill align Nevada law with federal law in this manner.]~~

Section 1 of this bill requires a health maintenance organization which provides a health care plan to certain large employers or multiple employer trusts to provide to the employer or trust upon request, not more than once every 3 months, either: (1) all claims data relating to the enrollees of the health care plan; or (2) sufficient data for the employer or trust to calculate the cost of providing certain medical services through the health maintenance organization. Section 1 requires such data to: (1) be free of any personally identifiable information; (2) comply with all other federal and state laws concerning privacy; and (3) be easily accessible. Section 1 also requires a health maintenance organization, upon the request of certain large employers or multiple employer trusts, to prepare an annual report relating to the cost and percentage trends in such data.

Section 2 of this bill requires the Legislative Committee on Health Care to study certain issues relating to: (1) making a program similar to the Medicaid managed care program which is currently available to certain low-income persons in this State available to persons who are not eligible for Medicaid; and (2) ensuring the same level of health insurance coverage which is currently available in this State pursuant to the Patient Protection and Affordable Care Act (Public Law 111-148, as amended) is maintained if the Affordable Care Act is repealed by Congress. Section 2 requires the Legislative Committee on Health Care to submit a report relating to these issues to the Director of the Legislative Counsel Bureau by not later than September 1, 2018.

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

Delete existing sections 1 through 52 of this bill and replace with the following new sections 1, 2 and 3:

Section 1. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, not more than once every 3 months, a health maintenance organization shall provide to a group purchaser that submits a written request:

(a) All claims data relating to the enrollees in a health care plan provided by the health maintenance organization pursuant to a contract with the group purchaser; or

(b) Sufficient data relating to the claims of enrollees in the health care plan to allow the group purchaser to calculate the cost-effectiveness of the benefits provided by the health maintenance organization. Such data must include, without limitation:

(1) Data necessary to calculate the actual cost of obtaining medical services through the health maintenance organization, organized by medical service and category of disease;

(2) Data relating to enrollees in the health care plan who receive care, including, without limitation, demographics of such enrollees, prescriptions, office visits with a provider of health care, inpatient services and outpatient services, as used by the health maintenance organization to make calculations which are required to comply with the risk adjustment, reinsurance and risk corridor requirements of 42 U.S.C. §§ 18061, 18062 and 18063; and

(3) Such data as used to establish an experience rating for the enrollees in the health care plan, including, without limitation, coding relating to diagnostics and procedures, the total cost charged to any person for each drug, device or service made available by the health care plan and all reimbursements made to a provider of health care for such drugs, devices or services.

2. If a group purchaser files a written request, the health maintenance organization must also provide an annual report relating to the quarterly data required to be made available to the group purchaser pursuant to subsection 1, which must include, without limitation, sufficient detail to demonstrate the annual changes in the cost and the percentage of increase or decrease, as applicable, for each category of information made available pursuant to subsection 1.

3. A health maintenance organization shall provide the data required by this section in an aggregated form which complies with federal and state law, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations.

4. Before providing any data pursuant to subsection 1, a health maintenance organization shall ensure that a professional statistician examines the data to confirm that such data cannot be used to identify and does not provide a reasonable basis upon which to identify a person whose information is included in the report. If the professional statistician is not able to make such a confirmation, the data must not be provided by the health

maintenance organization to the group purchaser until such confirmation is obtained.

5. A health maintenance organization must provide the data required by subsection 1 in a format which is easily searchable electronically or on a secure Internet website.

6. A group purchaser must have policies and procedures in place which are compliant with federal law, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto, and the laws of this State to ensure the privacy and security of the data made available to a group purchaser pursuant to this section.

7. As used in this section, "group purchaser" means:

(a) An employer that employs at least 1,000 employees, at least 300 of whom are enrolled in a health care plan which is offered by a health maintenance organization; or

(b) A group of employers that cumulatively employ at least 500 employees and which has formed a trust for the purpose of funding health care benefits for at least 300 employees who are enrolled in a health care plan which is offered by a health maintenance organization.

Sec. 2. 1. The Legislative Committee on Health Care shall, during the 2017-2018 interim, study opportunities for:

(a) The establishment of a program similar to the Medicaid managed care program authorized by NRS 422.273 to be made available through the Silver State Health Insurance Exchange established by NRS 695I.200 to a person who is otherwise ineligible for Medicaid;

(b) A person who is determined eligible for advance payments of the premium tax credit and cost-sharing reductions pursuant to 45 C.F.R. § 155.305 to use such credits and reductions to pay for coverage obtained through the program described in paragraph (a); and

(c) The Nevada Legislature to ensure the current level of health insurance coverage provided in this State pursuant to the Patient Protection and Affordable Care Act, Public Law 111-148, as it existed on the effective date of this act, is maintained if the Affordable Care Act is repealed by Congress.

2. The Legislative Committee on Health Care shall conduct the study required pursuant to subsection 1 in consultation with:

(a) The Department of Health and Human Services;

(b) The Division of Insurance of the Department of Business and Industry;

(c) The Silver State Health Insurance Exchange; and

(d) Any other entity identified by the Committee which has expertise in the topics listed in subsection 1.

3. The Legislative Committee on Health Care shall submit a report of the results of the study required pursuant to subsection 1 and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the Legislature not later than September 1, 2018.

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 637 revises Senate Bill No. 394 by eliminating all sections of the bill and adding a section requiring a health-maintenance organization to provide certain data to a group purchaser that submits a written request. The data must be provided in an aggregated form that complies with federal and State law, including the Health Insurance Portability and Accountability Act of 1996.

In addition, a section is added to require the Legislative Committee on Health Care to study, during the 2017–2018 interim, opportunities to establish a program similar to Medicaid managed care and to be made available on the Silver State Health Insurance Exchange. The Committee must report the results of the study and any recommendations to the Legislature by September 1, 2018.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 503.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 709.

SUMMARY—Makes an appropriation to the Account for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program. (BDR S-904)

AN ACT making an appropriation to the Account for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Account for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program created by NRS 532.230 the sum of $250,000 to replenish the balance of the Account.

Sec. 2. ~~[Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.]~~ (Deleted by amendment.)

Sec. 3. This act becomes effective ~~[on July 1, 2017.]~~ upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 709 to Senate Bill No. 503 deletes section 2 of the bill which would have reverted any balance in the fund after 2019 to the General Fund, and it also changes the effective date to passage and approval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 61.

Bill read second time and ordered to third reading.

Assembly Bill No. 62.

Bill read second time and ordered to third reading.

Assembly Bill No. 101.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 678.

SUMMARY—Revises provisions governing the management of wildlife. (BDR 45-187)

AN ACT relating to wildlife; requiring the Board of Wildlife Commissioners to establish policies for the conservation of certain wildlife; revising the authorized uses of the fees for the processing of an application for a game tag; requiring the Commission to establish policies for certain programs, activities and research relating to predatory wildlife; requiring the Department of Wildlife to submit a report on certain programs, activities and research relating to predatory wildlife; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Wildlife Commissioners is required, after first considering the recommendations of the Department of Wildlife, the county advisory boards to manage wildlife and other persons, to establish policies for the management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians. (NRS 501.181) Section 1 of this bill requires those policies to also include the conservation of those mammals, birds, fish, reptiles and amphibians.

Existing law requires a person applying for a game tag to pay an additional fee of $3 for processing the application. The money collected from those fees is required to be deposited in the Wildlife Account in the State General Fund and used by the Department of Wildlife for costs related to: (1) developing and implementing an annual program for the management and control of predatory wildlife; (2) wildlife management activities relating to the protection of nonpredatory game animals and sensitive wildlife species; and (3) conducting research necessary to determine successful techniques for managing and controlling predatory wildlife. Any program developed or wildlife management activity or research conducted must be developed or conducted under the guidance of the Board of Wildlife Commissioners. (NRS 502.253) Section 3 of this bill expands the purposes for which the proceeds from those fees are required to be used by ~~[adding programs for the management and~~

~~enhancement of game mammals,~~ adding wildlife management activities related to wildlife habitat and authorizing obtaining matching money from the Federal Government which is available for use for those programs and activities. Section 3 also requires the Commission, in providing guidance to the Department, to establish policies for the development of any programs to control species of predatory wildlife or to conduct any wildlife management activities or research concerning species of predatory wildlife. Section 3 further requires the Department ~~of Wildlife~~ to submit a report, on or before ~~August~~ December 31 of each ~~even-numbered~~ year, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature ~~setting forth~~ summarizing the ~~expenditures for the~~ results of certain programs , ~~and~~ activities ~~carried out using the proceeds from those fees.~~ and research related to predatory wildlife. Section 4 of this bill specifies that the proceeds from those fees which are deposited for credit to the Wildlife Account on or after July 1, 2017, are only authorized to be used for the new purposes.

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

Section 1. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The *conservation and* management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The management and control of predatory wildlife.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. If, in establishing any regulations pursuant to this subsection, the Commission rejects the recommendations of a county advisory
board to manage wildlife with regard to the length of seasons for fishing, hunting and trapping or the bag or possession limits applicable within the respective county, the Commission shall provide to the county advisory board to manage wildlife at the meeting an explanation of the Commission's decision to reject the recommendations and, as soon as practicable after the meeting, a written explanation of the Commission's decision to reject the recommendations. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. Adopt regulations prescribing the circumstances under which a person, regardless of whether the person has obtained a valid tag issued by the Department, may assist in the killing and retrieval of a wounded big game mammal by another person who:

(a) Is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and

(b) Has obtained a valid tag issued by the Department for hunting that animal.

10. In establishing any policy or adopting any regulations pursuant to this section, first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Sec. 2. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,

➥ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250, *502.253,* 502.410 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the protection, propagation and management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 3. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund and used by the Department for costs related *solely* to:

(a) Developing and implementing an annual program for the management and control of predatory wildlife ; ~~*[and the management and enhancement of game mammals;]*~~

(b) Wildlife management activities relating to the protection of nonpredatory game animals , ~~[and]~~ sensitive wildlife species ~~[;]~~ and *related wildlife habitat;*

(c) Conducting research necessary to determine successful techniques for managing and controlling predatory wildlife ~~[.]~~ *; ~~[and]~~ or*

(d) Obtaining matching money from the Federal Government which is available for use in developing and carrying out the programs and activities described in paragraphs (a) and (b).

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of the Commission in accordance with the ~~[provisions of subsection 4 and the]~~ policies adopted by the Commission pursuant to NRS 501.181. *In providing guidance for the development of a program to control any species of predatory wildlife or for conducting any wildlife management activity or research concerning that species, the Commission shall establish a policy for the program, activity or research. Each policy must specify the goals and required results of the program, activity or research, including, without limitation, provisions:*

(a) Setting forth a specific geographic area in this State in which the program, activity or research must be conducted;

(b) Setting forth the reasons for conducting the program, activity or research in the geographic area;

(c) Setting forth the estimated population or density of each species of predatory wildlife and the location of the estimated population or density in the geographic area which must be included in the program, activity or research; and

(d) Requiring the submission of a report to the Commission upon the completion of the program, activity or research setting forth the results of the program, activity or research and the extent to which the program, activity or research achieved the goals and required results established for the program, activity or research.

4. The Department ~~[:~~

~~(a) In~~ , *in* adopting any program ~~[for the management and control of predatory wildlife]~~ developed pursuant to this section, shall first consider the recommendations of the Commission . ~~[and the State Predatory Animal and Rodent Committee created by NRS 567.020.~~

~~(b) Shall not adopt any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the most recent fiscal year for which the Department has complete information for the purposes of lethal management and control of predatory wildlife.]~~

5. The money in the Wildlife Account credited pursuant to this section remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

6. On or before ~~[August]~~ December 31 of each ~~[even-numbered]~~ year, the Department shall submit a report ~~[setting forth the expenditures from the proceeds of the fee collected pursuant to this section and credited to the Wildlife Account pursuant to this section]~~ summarizing the results of any program to control any species of predatory wildlife or for conducting any wildlife management activity or research concerning that species and the extent to which the program, activity or research achieved the goals and required results established pursuant to subsection 3 for the program, activity or research to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

~~[7. The report submitted pursuant to subsection 6 must, for each program or activity implemented pursuant to paragraphs (a) and (b) of subsection 1, specify:~~

~~(a) The expenditures made for the program or activity;~~

~~(b) The number and species of any wildlife killed as a result of the program or activity;~~

~~(c) Any benefit from the program or activity which is statistically significant;~~

~~(d) The performance and outcome indicators used to evaluate and measure the effectiveness of the program or activity, including, without limitation, the methods used to track the performance and outcome indicators; and~~

~~(e) A summary of the effectiveness of the program or activity in achieving the goals of the program or activity.]~~

Sec. 4. Any money deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund pursuant to NRS 502.253 before July 1, 2017, may only be used on or after that date for a purpose specified in NRS 502.253, as amended by section 3 of this act.

Sec. 4.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 5. This act becomes effective on July 1, 2017.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 678 to Assembly Bill No. 101 strikes the language "and the management and enhancement of game mammals" from the list of costs to be paid from the Wildlife Account; adds additional direction regarding the policy to be established by the Board of Wildlife Commissioners; revises the report submittal requirement to December 31 of each year to coincide with certain other reporting requirements of the Commission, and revises the required content of report to be submitted to the Legislature.

Amendment adopted.

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

Assembly Bill No. 145.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 702.

SUMMARY—Extends the statute of limitations for certain civil actions for damages for injuries incurred as a child as a result of sexual abuse or pornography. (BDR 2-584)

AN ACT relating to civil actions; extending the statute of limitations for certain civil actions for damages to a person for injuries incurred as a child as a result of sexual abuse or pornography; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill extends the time by which a civil action to recover damages arising from the sexual abuse of a person who is less than 18 years of age must be commenced from 10 years to 20 years after the person reaches 18 years of age or discovers or should have discovered that an injury was caused by the sexual abuse, whichever is later. This bill also extends the time by which a civil action to recover damages arising from the appearance of a person who is less than 16 years of age in pornographic material must be commenced from 3 years to 20 years after the person reaches 18 years of age or after a court enters a verdict in a related criminal case, whichever is later.

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

Section 1. NRS 11.215 is hereby amended to read as follows:

11.215 1. Except as otherwise provided in subsection 2 and NRS 217.007, an action to recover damages for an injury to a person arising from the sexual abuse

of the plaintiff which occurred when the plaintiff was less than 18 years of age must be commenced within ~~[10]~~ *20* years after the plaintiff:

(a) Reaches 18 years of age; or

(b) Discovers or reasonably should have discovered that his or her injury was caused by the sexual abuse,

➥ whichever occurs later.

2. An action to recover damages pursuant to NRS 41.1396 must be commenced within ~~[3]~~ *20* years after the occurrence of the following, whichever is later:

(a) The court enters a verdict in a related criminal case; or

(b) The victim reaches the age of 18 years.

3. As used in this section, "sexual abuse" has the meaning ascribed to it in NRS 432B.100.

Sec. 2. The period of limitations on actions set forth in NRS 11.215, as amended by section 1 of this act:

1. Applies to a cause of action that accrued before the effective date of this act, if the applicable period of limitations has commenced but not yet expired on the effective date of this act.

2. Must not be construed to revive any claim barred by a period of limitations.

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

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 702 to Assembly Bill No. 145 adds Assembly members Titus and Wheeler and Senators Cannizzaro, Gansert, Gustavson, Harris and Kieckhefer as bill sponsors.

Amendment adopted.

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

Assembly Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 639.

SUMMARY—Enacts the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act. (BDR 3-617)

AN ACT relating to domestic violence; enacting the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act; requiring the enforcement of Canadian domestic-violence protection orders under certain circumstances; requiring the Central Repository for Nevada Records of Criminal History to include Canadian domestic-violence protection orders registered in this State in the Repository for Information Concerning Orders for Protection Against Domestic Violence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the enforcement and registration of an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States and requires certain persons to transmit certain information regarding such orders to the Central Repository for Nevada Records of Criminal History. (NRS 33.085, 33.090, 33.095) Sections 2-18 of this bill enact the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act.

Section 13 requires a law enforcement officer to enforce a Canadian domestic-violence protection order ~~[and prescribes the minimum requirements for such enforcement.]~~ in the same manner that an officer enforces an order for protection issued by a court of this State unless it is apparent to the officer that

the order is not authentic on its face. Section 13 further requires a law enforcement officer to inform the protected person of local victims' services.

Section 14 requires certain courts and agencies in this State to enforce a Canadian domestic-violence protection order and prescribes the minimum requirements for such enforcement.

Section 15 provides immunity from civil or criminal liability for this State and its agencies and political subdivisions and certain persons who: (1) enforce a Canadian domestic-violence protection order based upon a reasonable belief that the order is valid; or (2) refuse to enforce such an order based upon a reasonable belief that the order is not valid.

Section 19 of this bill provides for the registration of Canadian domestic-violence protection orders with the clerk of the court in the judicial district in which the person believes enforcement may be necessary. Section 20 of this bill requires certain persons to transmit certain information regarding such orders to the Central Repository for Nevada Records of Criminal History. Section 21 of this bill requires the Central Repository to include such orders in the Repository for Information Concerning Orders for Protection Against Domestic Violence.

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

Section 1. Chapter 33 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. *Sections 2 to 18, inclusive, of this act may be cited as the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act.*

Sec. 3. *As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 12, inclusive of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Adverse party" means a natural person against whom a Canadian domestic-violence protection order is issued.*

Sec. 5. *"Canadian domestic-violence protection order" means a judgment or part of a judgment or order issued in a civil proceeding by a court of Canada under the laws of the issuing jurisdiction that relates to domestic violence and prohibits an adverse party from:*

1. Being in physical proximity to a protected person or following a protected person;

2. Directly or indirectly contacting or communicating with a protected person or other person described in the order;

3. Being within a certain distance of a specified place or location associated with a protected person; or

4. Molesting, annoying, harassing or engaging in threatening conduct directed at a protected person.

Sec. 6. *"Domestic protection order" means an injunction or other order issued by a tribunal which relates to domestic or family violence laws to prevent a person from engaging in violent or threatening acts against,*

harassment of, direct or indirect contact or communication with or being in physical proximity to another person.

Sec. 7. *"Issuing court" means the court that issues a Canadian domestic-violence protection order.*

Sec. 8. *"Law enforcement officer" means a person authorized by the laws of this State, other than sections 2 to 18, inclusive, of this act, to enforce a domestic protection order.*

Sec. 9. *"Person" means a natural person, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality or other legal entity.*

Sec. 10. *"Protected person" means a natural person protected by a Canadian domestic-violence protection order.*

Sec. 11. *"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 12. *"Tribunal" means a court, agency or other entity authorized by the laws of this State other than sections 2 to 18, inclusive, of this act to establish, enforce or modify a domestic protection order.*

Sec. 13. *1. ~~[If a law enforcement officer determines under subsection 2 or 3 that there is probable cause to believe that a valid Canadian domestic-violence protection order exists and the order has been violated, the officer shall enforce the terms of the Canadian domestic-violence protection order as if the terms were in an order of a tribunal. Presentation to a law enforcement officer of a certified copy of a Canadian domestic-violence protection order is not required for enforcement.~~*

~~2. Presentation to a law enforcement officer of a record of a Canadian domestic-violence protection order that identifies both a protected individual and an adverse party and on its face is in effect constitutes probable cause to believe that a valid order exists.~~

~~3. If a record of a Canadian domestic-violence protection order is not presented as provided in subsection 2, a law enforcement officer may consider other information in determining whether there is probable cause to believe that a valid Canadian domestic-violence protection order exists.]~~ Except as otherwise provided in subsection 4 and section 14 of this act, a law enforcement officer shall enforce a Canadian domestic-violence protection order and shall make an arrest for a violation thereof in the same manner that a law enforcement officer would make an arrest for a violation of a temporary or extended order issued by a court of this State unless it is apparent to the officer that the order is not authentic on its face. An officer shall determine that an order is authentic on its face if the order contains:

(a) The names of the parties;

(b) Information indicating that the order has not expired; and

(c) Information indicating that the court which issued the order had legal authority to issue the order as evidenced by a certified copy of the order, a file-stamped copy of the order, an authorized signature or stamp of the court

which issued the order or another indication of the authority of the court which issued the order.

➥ *An officer may determine that any other order is authentic on its face.*

2. In enforcing a Canadian domestic-violence protection order or arresting a person for a violation of such an order, a law enforcement officer may rely upon:

(a) A copy of the order that has been provided to the officer;

(b) An order that is included in the Repository for Information Concerning Orders for Protection Against Domestic Violence pursuant to NRS 33.095 or in any national crime information database;

(c) Oral or written confirmation from a law enforcement agency or court in which the order was issued that the order is valid and effective; or

(d) An examination of the totality of the circumstances concerning the existence of a valid and effective order, including, without limitation, the statement of a person protected by the order that the order remains in effect.

3. The fact that a Canadian domestic-violence protection order has not been registered or included in the Repository for Information Concerning Orders for Protection Against Domestic Violence in the Central Repository for Nevada Records of Criminal History pursuant to NRS 33.095 or in any national crime information database is not grounds for a law enforcement officer to refuse to enforce the terms of the order unless it is apparent to the officer that the order is not authentic on its face.

4. If a law enforcement officer determines that an otherwise valid Canadian domestic-violence protection order cannot be enforced because the adverse party has not been notified of or served with the order, the officer shall notify the protected person that the officer will make reasonable efforts to contact the adverse party, consistent with the safety of the protected person. After notice to the protected person and consistent with the safety of the protected person, the law enforcement officer shall make a reasonable effort to inform the adverse party of the order, notify the adverse party of the terms of the order, provide a record of the order, if available, to the adverse party and allow the adverse party a reasonable opportunity to comply with the order before the officer enforces the order.

5. If a law enforcement officer determines that a person is a protected person, the officer shall inform him or her of available local victims' services.

Sec. 14. *1. A tribunal may issue an order enforcing or refusing to enforce a Canadian domestic-violence protection order on application of:*

(a) A person authorized by the laws of this State, other than sections 2 to 18, inclusive, of this act, to seek enforcement of a domestic protection order; or

(b) An adverse party.

2. In a proceeding under subsection 1, the tribunal shall follow the procedures of this State for the enforcement of a domestic protection order. An order entered under this section is limited to the enforcement of the terms of the Canadian domestic-violence protection order.

3. A Canadian domestic-violence protection order is enforceable under this section if:

(a) The order identifies the parties;

(b) The order is valid and has not expired;

(c) The issuing court had jurisdiction over the parties and the subject matter under the laws of the jurisdiction of the issuing court; and

(d) The adverse party was given reasonable notice and an opportunity to be heard before the order was issued or, in the case of an ex parte order, the adverse party was given reasonable notice and had or will have an opportunity to be heard within a reasonable time after the order was issued and, in any event, in a manner consistent with the right of the adverse party to due process.

4. A Canadian domestic-violence protection order valid on its face is prima facie evidence of enforceability under this section.

5. A claim that a Canadian domestic-violence protection order does not comply with subsection 3 is an affirmative defense in a proceeding seeking enforcement of the order. If the tribunal determines that the order is not enforceable, the tribunal shall issue an order that the Canadian domestic-violence protection order is not enforceable under this section and section 13 of this act and may not be registered pursuant to NRS 33.090.

6. If the Canadian domestic-violence protection order is a mutual order for protection against domestic violence and:

(a) No counter or cross-petition or other pleading was filed by the adverse party; or

(b) A counter or cross-petition or other pleading was filed and the court did not make a specific finding of domestic violence by both parties,

➥ the court shall refuse to enforce the order against the protected person and may determine whether to issue its own temporary or extended order.

Sec. 15. *This State, an agency or political subdivision of this State, a law enforcement officer, prosecuting attorney, clerk of court and any other state or local governmental official acting in an official capacity are immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a Canadian domestic-violence protection order or the detention or arrest of an alleged violator of a Canadian domestic-violence protection order if the act or omission was a good faith effort to comply with sections 2 to 18, inclusive, of this act or the provisions of NRS 33.090 or 33.095 relating to the registration of a Canadian domestic-violence protection order.*

Sec. 16. *The rights and remedies provided by sections 2 to 18, inclusive, of this act are in addition to any other rights or remedies that may exist at law or in equity.*

Sec. 17. *In applying and construing the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

Sec. 18. *Sections 2 to 18, inclusive, of this act modify, limit or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C.*

§ 7001 et seq., but do not modify, limit or supersede Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. § 7003(b).

Sec. 19. NRS 33.090 is hereby amended to read as follows:

33.090 1. A person may register an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States *or a Canadian domestic-violence protection order* by presenting a certified copy of the order to the clerk of a court of competent jurisdiction in a judicial district in which the person believes that enforcement may be necessary.

2. The clerk of the court shall:

(a) Maintain a record of each order registered pursuant to this section;

(b) Provide the protected party with a copy of the order registered pursuant to this section bearing proof of registration with the court;

(c) Forward, by conventional or electronic means, by the end of the next business day, a copy of an order registered pursuant to this section to the appropriate law enforcement agency which has jurisdiction over the residence, school, child care facility or other provider of child care, or place of employment of the protected party or the child of the protected party; and

(d) Inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

3. The clerk of the court shall not:

(a) Charge a fee for registering an order or for providing a certified copy of an order pursuant to this section.

(b) Notify the party against whom the order has been made that an order for protection against domestic violence issued by the court of another state, territory or Indian tribe has been registered in this State.

4. A person who registers an order pursuant to this section must not be charged to have the order served in this State.

5. As used in this section, "Canadian domestic-violence protection order" has the meaning ascribed to it in section 5 of this act.

Sec. 20. NRS 33.095 is hereby amended to read as follows:

33.095 *1.* Any time that a court issues a temporary or extended order and any time that a person serves such an order, registers such an order , *registers a Canadian domestic-violence protection order* or receives any information or takes any other action pursuant to NRS 33.017 to 33.100, inclusive, ~~*[and]*~~ *or sections 2 to 18, inclusive, of this act,* the person shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository by the end of the next business day.

2. As used in this section, "Canadian domestic-violence protection order" has the meaning ascribed to it in section 5 of this act.

Sec. 20.5. NRS 125A.465 is hereby amended to read as follows:

125A.465 1. A child custody determination issued by a court of another state may be registered in this state, with or without a simultaneous request for enforcement, by sending to a court of this state which is competent to hear custody matters:

(a) A letter or other document requesting registration;

(b) Two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and

(c) Except as otherwise provided in NRS 125A.385, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

2. On receipt of the documents required by subsection 1, the registering court shall:

(a) Cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and

(b) Serve notice upon the persons named pursuant to paragraph (c) of subsection 1 and provide them with an opportunity to contest the registration in accordance with this section.

3. The notice required by paragraph (b) of subsection 2 must state that:

(a) A registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this state;

(b) A hearing to contest the validity of the registered determination must be requested within 20 days after service of notice; and

(c) Failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

4. A person seeking to contest the validity of a registered order must request a hearing within 20 days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

(a) The issuing court did not have jurisdiction pursuant to NRS 125A.305 to 125A.395, inclusive;

(b) The child custody determination sought to be registered has been vacated, stayed or modified by a court having jurisdiction to do so pursuant to NRS 125A.305 to 125A.395, inclusive; or

(c) The person contesting registration was entitled to notice, but notice was not given in accordance with the standards of NRS 125A.255, in the proceedings before the court that issued the order for which registration is sought.

5. If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person

requesting registration and all persons served must be notified of the confirmation.

6. Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

7. The provisions of this section do not apply to an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States *, or a Canadian domestic-violence protection order,* which is registered pursuant to NRS 33.090.

Sec. 21. NRS 179A.350 is hereby amended to read as follows:

179A.350 1. The Repository for Information Concerning Orders for Protection Against Domestic Violence is hereby created within the Central Repository.

2. Except as otherwise provided in subsection 6, the Repository for Information Concerning Orders for Protection Against Domestic Violence must contain a complete and systematic record of all temporary and extended orders for protection against domestic violence issued or registered in the State of Nevada ~~[,]~~ *and all Canadian domestic-violence protection orders registered in the State of Nevada,* in accordance with regulations adopted by the Director of the Department, including, without limitation, any information received pursuant to NRS 33.095. Information received by the Central Repository pursuant to NRS 33.095 must be entered in the Repository for Information Concerning Orders for Protection Against Domestic Violence not later than 8 hours after it is received by the Central Repository.

3. The information in the Repository for Information Concerning Orders for Protection Against Domestic Violence must be accessible by computer at all times to each agency of criminal justice.

4. On or before July 1 of each year, the Director of the Department shall submit to the Director of the Legislative Counsel Bureau a written report concerning all temporary and extended orders for protection against domestic violence issued pursuant to NRS 33.020 during the previous calendar year that were transmitted to the Repository for Information Concerning Orders for Protection Against Domestic Violence. The report must include, without limitation, information for each court that issues temporary or extended orders for protection against domestic violence concerning:

(a) The total number of temporary and extended orders that were granted by the court pursuant to NRS 33.020 during the calendar year to which the report pertains;

(b) The number of temporary and extended orders that were granted to women;

(c) The number of temporary and extended orders that were granted to men;

(d) The number of temporary and extended orders that were vacated or expired;

(e) The number of temporary orders that included a grant of temporary custody of a minor child; and

(f) The number of temporary and extended orders that were served on the adverse party.

5. The information provided pursuant to subsection 4 must include only aggregate information for statistical purposes and must exclude any identifying information relating to a particular person.

6. The Repository for Information Concerning Orders for Protection Against Domestic Violence must not contain any information concerning an event that occurred before October 1, 1998.

7. As used in this section, "Canadian domestic-violence protection order" has the meaning ascribed to it in section 5 of this act.

Sec. 22. This act becomes effective on July 1, 2017, and applies to a Canadian domestic-violence protection order issued before, on or after July 1, 2017, and to a continuing action for enforcement of a Canadian domestic-violence protection order commenced before, on or after July 1, 2017.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 639 to Assembly Bill No. 146 revises provisions of the measure concerning how a law enforcement officer is to enforce a Canadian domestic-violence protection order so that the provisions comport with current statute regarding the enforcement of similar orders from other states.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 154.

Bill read second time.

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

Amendment No. 741.

SUMMARY—Revises provisions relating to prevailing wages. (BDR 28-747)

AN ACT relating to prevailing wages; revising provisions governing the payment of prevailing wages; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, with certain exceptions, the prevailing wage in a county for each craft or type of work, as determined by the Labor Commissioner, is required to be paid on a project in the county involving new construction, repair or reconstruction that is financed in whole or in part with public money and for which the estimated cost is $250,000 or more. (NRS 338.010, 338.020-338.080) Sections 1, 3 and 4 of this bill decrease the minimum threshold for the applicability of the prevailing wage requirements from $250,000 to $100,000.]~~

School districts and the Nevada System of Higher Education are required under existing law to pay on their public works and certain other construction

projects 90 percent of the prevailing wage rates that are otherwise required to be paid by other public bodies. (NRS 338.030) Section 2 of this bill eliminates this exception and therefore requires school districts and the Nevada System of Higher Education to pay the same prevailing wage rates on their public works and other construction projects as other public bodies are required to pay.

~~[Under existing law, charter schools are exempt from the requirement in existing law to pay prevailing wage rates on their public works and certain other construction projects. (NRS 338.080) Section 4 eliminates this exemption and therefore requires charter schools to pay prevailing wage rates on their public works and other construction projects.]~~

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

Section 1. ~~[NRS 338.018 is hereby amended to read as follows:~~

~~338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds [$250,000] *$100,000* even if the construction work does not qualify as a public work, as defined in [subsection 16 of] NRS 338.010.]~~ (Deleted by amendment.)

Sec. 2. NRS 338.030 is hereby amended to read as follows:

338.030 1. The public body awarding any contract for public work, or otherwise undertaking any public work, shall ascertain from the Labor Commissioner the prevailing wage in the county in which the public work is to be performed for each craft or type of work.

2. The prevailing wage in each county, including Carson City, must be established as follows:

(a) The Labor Commissioner shall, annually, survey contractors who have performed work in the county.

(b) Based on the survey conducted pursuant to paragraph (a), where the rate of wages is the same for more than 50 percent of the total hours worked by each craft or type of work in that county on construction similar to the proposed construction, that rate will be determined as the prevailing wage.

(c) Where no such rate can be determined, the prevailing wage for a craft or type of work will be determined as the average rate of wages paid per hour based on the number of hours worked per rate, to that craft or type of work.

~~[(d) The Labor Commissioner shall determine the prevailing wage to be 90 percent of the rate determined pursuant to paragraphs (a), (b) and (c) for:~~

~~(1) Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a school district or the Nevada System of Higher Education is a party; and~~

~~(2) A public work of, or constructed by, a school district or the Nevada System of Higher Education, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a school district or the Nevada System of Higher Education.]~~

3. Within 30 days after the determination is issued:

(a) A public body or person entitled under subsection 6 to be heard may submit an objection to the Labor Commissioner with evidence to substantiate that a different wage prevails; and

(b) Any person may submit information to the Labor Commissioner that would support a change in the prevailing wage of a craft or type of work by 50 cents or more per hour in any county.

4. The Labor Commissioner shall hold a hearing in the locality in which the work is to be executed if the Labor Commissioner:

(a) Is in doubt as to the prevailing wage; or

(b) Receives an objection or information pursuant to subsection 3.

➥ The Labor Commissioner may hold only one hearing a year on the prevailing wage of any craft or type of work in any county.

5. Notice of the hearing must be advertised in a newspaper nearest to the locality of the work once a week for 2 weeks before the time of the hearing.

6. At the hearing, any public body, the crafts affiliated with the State Federation of Labor or other recognized national labor organizations, and the contractors of the locality or their representatives must be heard. From the evidence presented, the Labor Commissioner shall determine the prevailing wage.

7. The wages so determined must be filed by the Labor Commissioner and must be available to any public body which awards a contract for any public work.

8. Nothing contained in NRS 338.020 to 338.090, inclusive, may be construed to authorize the fixing of any wage below any rate which may now or hereafter be established as a minimum wage for any person employed upon any public work, or employed by any officer or agent of any public body.

Sec. 3. ~~[NRS 338.075 is hereby amended to read as follows:~~

~~338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds [$250,000] *$100,000* even if the construction work does not qualify as a public work, as defined in [subsection 16 of] NRS 338.010.]~~ (Deleted by amendment.)

Sec. 4. ~~[NRS 338.080 is hereby amended to read as follows:~~

~~338.080 None of the provisions of NRS 338.020 to 338.090, inclusive, apply to:~~

~~1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.~~

~~2. Apprentices recorded under the provisions of chapter 610 of NRS.~~

~~3. Any contract for a public work whose cost is less than [$250,000.] *$100,000*. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below [$250,000.] *$100,000*.~~

~~— [4. Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a charter school is a party, notwithstanding any other provision of law.~~

~~— 5. A public work of, or constructed by, a charter school, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a charter school, notwithstanding any other provision of law.]]~~ (Deleted by amendment.)

Sec. 5. 1. The amendatory provisions of this act do not apply to a public work or other project of construction, alteration, repair, remodeling or reconstruction of an improvement or property of a public body that is awarded before July 1, 2017.

2. As used in this section:

(a) "Public body" has the meaning ascribed to it in NRS 338.010.

(b) "Public work" has the meaning ascribed to it in NRS 338.010.

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

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 741 to Assembly Bill No. 154 deletes the sections of the bill to lower the cost threshold for the applicability of prevailing-wage and to eliminate the prevailing-wage exemption for charter schools.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 202.

Bill read second time and ordered to third reading.

Assembly Bill No. 209.

Bill read second time and ordered to third reading.

Assembly Bill No. 262.

Bill read second time and ordered to third reading.

Assembly Bill No. 341.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 705.

SUMMARY—Revises provisions governing juvenile justice. (BDR 5-964)

AN ACT relating to juvenile justice; authorizing an attorney who represents a child in juvenile proceedings to consult with and seek appointment of certain persons; urging the Nevada Supreme Court to adopt certain court rules relating to juvenile justice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a procedure for adjudicating a child who is alleged to be delinquent or in need of supervision under certain circumstances. (NRS 62D.010) Section 1 of this bill authorizes an attorney who represents a child in such juvenile proceedings to consult with and seek appointment of certain persons.

Section 4 of this bill urges the Nevada Supreme Court to adopt court rules for attorneys who represent juveniles in juvenile proceedings.

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

Section 1. Chapter 62D of NRS is hereby amended by adding thereto a new section to read as follows:

~~[Each]~~ Subject to the provisions of subsection 7 of NRS 62D.030 and chapter 260 of NRS, a public defender or any other attorney who represents a child in proceedings pursuant to the provisions of this title may consult with and seek appointment of : ~~[, without limitation and when appropriate:]~~

1. Any social worker licensed pursuant to chapter 641B of NRS;

2. Any qualified mental health professional, as defined in NRS 458A.057;

3. Any educator; and

4. Any other expert the attorney deems appropriate.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. The Legislature hereby finds and declares that:

1. In the case of *In re Gault*, 387 U.S. 1 (1967), the United States Supreme Court guaranteed a juvenile's constitutional right to due process under the Fourteenth Amendment, including, without limitation, the right to counsel and the privilege against self-incrimination.

2. Under the existing Nevada Supreme Court Rules:

(a) Rules 205-215 govern the State of Nevada Board of Continuing Legal Education whose powers and duties include, without limitation, providing for programs of continuing legal education.

(b) Rule 250 provides minimum requirements required for defense counsel in cases in which the death penalty is or may be sought or has been imposed, including proceedings for postconviction relief from a judgment of conviction and sentence of death.

3. The Nevada Supreme Court Rules, however, do not specify minimum requirements for attorneys who represent juveniles in proceedings related to juvenile justice.

4. Therefore the Legislature urges the Nevada Supreme Court to adopt appropriate rules for attorneys who represent juveniles to ensure effective assistance of counsel in proceedings related to juvenile justice. These requirements may include, without limitation:

(a) Minimum requirements for courses, programs and continuing legal education in order to provide effective representation of juveniles;

(b) Standards for professional conduct specific to juvenile justice; and

(c) Minimum requirements for attorneys who represent juveniles and are employed by the State Public Defender.

Sec. 5. This act becomes effective upon passage and approval.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 705 to Assembly Bill No. 341 ensures that an attorney's request for services under the bill's provisions comport with statute by providing that a public defender or other attorney who represents a child may consult with various professionals in relation to the child's case subject to the provisions of subsection 7 of NRS 62D.030 and chapter 260 of NRS.

Amendment adopted.

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

Assembly Bill No. 365.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 706.

SUMMARY—Revises provisions relating to marriage. (BDR 11-1020)

AN ACT relating to marriage; providing for the issuance of a certificate of vow renewal; authorizing certain persons to perform a marriage; authorizing a county clerk to establish a course for certain persons authorized to perform a marriage; revising various provisions governing the performance of marriages; increasing the penalty for certain crimes related to performing marriages; revising provisions related to certain fees for the issuance of a marriage license; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the following persons to obtain a certificate of permission to perform marriages: (1) any licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage; (2) certain notaries public; (3) a temporary replacement for a licensed, ordained or appointed minister or other church or religious official, after receiving a written authorization from the minister or other church or religious official and the county clerk; and (4) any chaplain who is assigned to duty in this State by the Armed Forces of the United States. Existing law also authorizes certain ministers or other church or religious officials or certain notaries public to perform not more than five marriages per year in the county upon receiving a separate written authorization from the county clerk for each marriage performed. (NRS 122.062) Sections 2, 5, 6 and 8-17 of this bill amend existing law to grant the same authorization and responsibilities for performing a marriage to marriage officiants as the statutes do for other authorized persons. Section 2 defines the term "marriage officiant" as a person, other than a minister, other church or religious official authorized to solemnize a marriage or notary public, who obtains a certificate of permission to perform marriages. Section 8 prohibits a county clerk from authorizing a marriage officiant to solemnize a marriage unless the county clerk first establishes a course for marriage officiants. Sections 8 and 9 authorize a county clerk to establish a course for marriage officiants and requires an applicant who desires to be a marriage officiant to successfully complete the course. Section 9 authorizes a county clerk to charge a fee of not more than $100 for the course

to persons who desire to be a marriage officiant and requires any fees collected to be used only for establishing and maintaining such a course. Section 10: (1) provides for the inclusion of marriage officiants who obtain or renew a certificate of permission to perform marriages in the statewide database of certain persons authorized to perform marriages which is maintained by the Secretary of State under existing law; (2) requires marriage officiants to comply with Nevada laws pertaining to persons who perform marriages; and (3) provides for the expiration and revocation of the certificate of permission to perform marriages issued to a marriage officiant.

Existing law provides that a certificate of permission to perform marriages expires when: (1) a minister, other person who is authorized to solemnize a marriage or notary public, to whom the certificate has been issued, moves from the county in which his or certificate was issued; (2) a minister or other religious official's authority to solemnize marriages is removed; or (3) the expiration, cancellation, revocation or suspension of an appointment of a notary public. (NRS 122.066) Section 10 provides that if a county clerk establishes a policy providing for the expiration of a certificate of permission to perform marriages, unless certain exceptions apply, any certificate of permission to perform marriages expires 5 years after the date the certificate was issued or renewed. Section 9 requires all applicants for renewal of a certificate to complete an application and pay to the county clerk a fee of $25. Section 9 also authorizes a county clerk to revoke a certificate of permission to perform marriages if a minister, other church or religious official authorized to solemnize a marriage or marriage officiant fails to notify the county clerk within 30 days of changing his or her address.

Section 3 of this bill authorizes a county clerk to establish a program to provide for a couple who renews their marriage vows to request a certificate of vow renewal from the county clerk. Section 3 sets forth the requirements for such a request as well as the requirements concerning the contents of such a certificate. Finally, section 3 prohibits the use of a certificate of vow renewal to establish a record of marriage and exempts such a certificate from any requirement for the retention of records by the office of the county clerk.

Existing law provides that a person is guilty of a misdemeanor if he or she performs a marriage and he or she knows that he or she is not lawfully authorized or knows of any legal impediment to the proposed marriage. (NRS 122.260) Section 17 revises the penalty by providing that such an act is punishable by a civil penalty of not more than $1,500. Section 17 also authorizes a board of county commissioners to enact an ordinance delegating to a hearing officer the authority to determine such violations and levy civil penalties for those violations.

Under existing law, the county clerk may place an affidavit of application for a marriage license, a certificate of marriage license and a marriage license on a single form, on the reverse of which the county clerk must have printed or stamped instructions for obtaining a certified copy or certified abstract of the certificate of marriage. (NRS 122.055) Section 7 of this bill requires the

county clerk to include on the form certain language that the certificate is not a certified copy. Existing law also requires a person who solemnizes a marriage to give each couple being married a certificate of marriage. Section 15 clarifies that the certificate the couple receives from the person who solemnizes the marriage is an uncertified copy of a certificate of marriage.

Existing law authorizes a board of county commissioners in a county whose population is 700,000 or more (currently Clark County) to adopt an ordinance imposing an additional fee of not more than $14 for the issuance of a marriage license. If a board of county commissioners adopts such an ordinance: (1) the fee must be deposited in a special revenue fund designated as the fund for the promotion of marriage tourism; (2) money in the fund must be used by the county clerk to promote marriage tourism in the county; and (3) the county clerk is required to submit to the board of county commissioners a report of the projected expenditures of the money in the fund for the following fiscal year. (NRS 246.075) Section 18 of this bill requires the county clerk to report to the board rather than submitting a report to the board of the projected expenditures of the money in the fund for the following fiscal year.

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

Section 1. Chapter 122 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Marriage officiant" means a person, other than a minister, other church or religious official authorized to solemnize a marriage or notary public, who obtains a certificate of permission to perform marriages as provided in NRS 122.062 to 122.073, inclusive.*

Sec. 3. *1. A county clerk may, in his or her discretion, establish a program to provide for the issuance of a certificate of vow renewal. If a county clerk establishes such a program, upon the request of a couple who desires to renew their marriage vows, the county clerk shall issue a certificate of vow renewal.*

2. The request for a certificate of vow renewal must be made on a form prescribed by the county clerk and must include the date of the vow renewal and the county in which the vow renewal occurred.

3. The certificate of vow renewal must contain:

(a) The date of the vow renewal;

(b) The county in which the vow renewal occurred;

(c) The name of the persons to whom the certificate of vow renewal is issued; and

(d) A statement that the certificate of vow renewal is not a record of marriage.

4. This section may not be used to establish a record of marriage.

5. A county clerk may charge and collect a fee in the same amount as the fee collected for the issuance of a marriage license pursuant to NRS 122.060 to cover the cost of preparing the certificate furnished pursuant to this section.

6. Notwithstanding any other provision of law to the contrary, a certificate of vow renewal is exempt from any schedule for the retention of records that applies to records in the office of the county clerk.

Sec. 4. NRS 122.001 is hereby amended to read as follows:

122.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 122.0015, 122.002 and 122.006 *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 122.030 is hereby amended to read as follows:

122.030 1. With respect to any marriage solemnized before January 1, 1971, the original certificate and records of marriage made by the judge, justice or minister, as prescribed in this chapter, and the record thereof by the recorder of the county, or a copy or abstract of the record certified by the recorder, must be received in all courts and places as presumptive evidence of the fact of the marriage.

2. With respect to any marriage solemnized on or after January 1, 1971, the original certificate and records of marriage made by the judge, justice, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages , ~~[or]~~ deputy commissioner of civil marriages ~~[,]~~ *or marriage officiant*, as prescribed in this chapter, and the record thereof by the county recorder or the county clerk, as the case may be, or a copy or abstract of the record certified by the county recorder or the county clerk, as the case may be, must be received in all courts and places as presumptive evidence of the fact of the marriage.

Sec. 6. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 and must be substantially in the following form:

MARRIAGE LICENSE

(EXPIRES 1 YEAR AFTER ISSUANCE)

State of Nevada }
}ss.
County of }

These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~ notary public *or marriage officiant* who has obtained a certificate of permission to perform marriages, any Supreme Court justice, judge of the Court of Appeals or district judge within this State, or justice of the peace within a township wherein the justice of the peace is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080 or any commissioner of civil marriages or his or her deputy within a commissioner township wherein they are permitted to solemnize marriages, to join in marriage .... of (City, town or location) ...., State of .... State of birth (If not in U.S.A., name of country) ....; Date of birth .... Father's name

.... Father's state of birth (If not in U.S.A., name of country) .... Mother's maiden name .... Mother's state of birth (If not in U.S.A., name of country) .... Number of this marriage (1st, 2nd, etc.) ... Wife deceased .... Divorced .... Annulled .... When .... Where .... And .... of (City, town or location) ...., State of .... State of birth (If not in U.S.A., name of country) ....; Date of birth .... Father's name .... Father's state of birth (If not in U.S.A., name of country) .... Mother's maiden name .... Mother's state of birth (If not in U.S.A., name of country) .... Number of this marriage (1st, 2nd, etc.) ... Husband deceased .... Divorced .... Annulled .... When .... Where ....; and to certify the marriage according to law.

Witness my hand and the seal of the county, this ... day of the month of ……. of the year .....

.....

(Seal) Clerk

.....

Deputy clerk

Sec. 7. NRS 122.055 is hereby amended to read as follows:

122.055 1. The county clerk may place the affidavit of application for a marriage license, the certificate of marriage and the marriage license on a single form.

2. The county clerk shall have printed or stamped on the reverse of the form:

(a) Instructions for obtaining a certified copy or certified abstract of the certificate of marriage.

(b) Language in black ink and at least 16-point bold type in a font that is easy to read and that is in substantially the following form:

This is *a duplicate of* your certificate. This is not a certified copy. *After the certificate has been recorded by the county recorder or filed by the county clerk, you may obtain a certified copy.* For name changes and other legal matters, you will need to obtain a certified copy.

3. Nothing may be printed, stamped or written on the reverse of the form other than the instructions and language described in subsection 2 and a time stamp used by the county clerk to signify that the form has been filed.

Sec. 8. NRS 122.062 is hereby amended to read as follows:

122.062 1. Any licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage in good standing within his or her church or religious organization, or either of them, incorporated, organized or established in this State, ~~[or]~~ a notary public appointed by the Secretary of State pursuant to chapter 240 of NRS and in good standing with the Secretary of State, *or a marriage officiant* may join together as husband and wife persons who present a marriage license obtained from any county clerk of the State, if the minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~ notary public *or marriage officiant* first obtains *or renews* a certificate of permission to perform marriages as provided in

NRS 122.062 to 122.073, inclusive. The fact that a minister or other church or religious official authorized to solemnize a marriage is retired does not disqualify him or her from obtaining a certificate of permission to perform marriages if, before retirement, the minister or other church or religious official authorized to solemnize a marriage had active charge of a church or religious organization for a period of at least 3 years.

2. A temporary replacement for a licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage certified pursuant to NRS 122.062 to 122.073, inclusive, may solemnize marriages pursuant to subsection 1 for a period not to exceed 90 days, if the requirements of this subsection are satisfied. The minister or other church or religious official authorized to solemnize a marriage whom he or she temporarily replaces shall provide him or her with a written authorization which states the period during which it is effective, and the temporary replacement shall obtain from the county clerk in the county in which he or she is a temporary replacement a written authorization to solemnize marriage and submit to the county clerk an application fee of $25.

3. Any chaplain who is assigned to duty in this State by the Armed Forces of the United States may solemnize marriages if the chaplain obtains a certificate of permission to perform marriages from the county clerk of the county in which his or her duty station is located. The county clerk shall issue such a certificate to a chaplain upon proof of his or her military status as a chaplain and of his or her assignment.

4. A licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage, active or retired, ~~[or]~~ a notary public *or person who desires to be a marriage officiant* may submit to the county clerk in the county in which a marriage is to be performed an application to perform a specific marriage in the county. The application must:

(a) Include the full names and addresses of the persons to be married;

(b) Include the date and location of the marriage ceremony;

(c) Include the information and documents required pursuant to subsection 1 of NRS 122.064; ~~[and]~~

(d) *If the applicant is a person who desires to be a marriage officiant, include verification that the applicant has satisfied the requirements of paragraph (d) of subsection 1 of NRS 122.064; and*

(e) Be accompanied by an application fee of $25.

5. A county clerk may grant authorization to perform a specific marriage to a person who submitted an application pursuant to subsection 4 if the county clerk is satisfied that the minister or other church or religious official authorized to solemnize a marriage, whether he or she is active or retired, is in good standing with his or her church or religious organization or, in the case of a notary public, if the notary public is in good standing with the Secretary of State ~~[.]~~ *, or in the case of a person who desires to be a marriage officiant, that the person satisfied the requirements of paragraph (d) of subsection 1 of NRS 122.064.* The authorization must be in writing and need not be filed with

any other public officer. A separate authorization is required for each marriage performed. A person may not obtain more than five authorizations to perform a specific marriage pursuant to this section in any calendar year and must acknowledge that he or she is subject to the jurisdiction of the county clerk with respect to the provisions of this chapter governing the conduct of ministers, other church or religious officials authorized to solemnize a marriage , ~~[or]~~ notaries public *or marriage officiants* to the same extent as if he or she had obtained a certificate of permission to perform marriages.

6. This section must not be construed to allow a county clerk to authorize a marriage officiant to solemnize a marriage unless the county clerk has established a course for marriage officiants.

Sec. 9. NRS 122.064 is hereby amended to read as follows:

122.064 1. A certificate of permission to perform marriages *or a renewal of such a certificate* may be obtained only from the county clerk of the county in which the minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~ notary public *or person who desires to be a marriage officiant* resides, after the filing of a proper application. The initial application *or application for renewal* must:

(a) Be in writing and be verified by the applicant.

(b) If the applicant is a minister or other church or religious official authorized to solemnize a marriage:

(1) Include the date of licensure, ordination or appointment of the minister or other church or religious official authorized to solemnize a marriage, and the name of the church or religious organization with which he or she is affiliated; and

(2) Be accompanied by one copy of the affidavit of authority to solemnize marriages described in subsection 5.

(c) If the applicant is a notary public:

(1) Include the date of the appointment of the notary public by the Secretary of State; and

(2) Be accompanied by a verification issued by the Secretary of State within the 3 months immediately preceding the date of the application which states that the applicant has been appointed as a notary public by the Secretary of State pursuant to chapter 240 of NRS and is in good standing with the Secretary of State. The county clerk must refuse to issue a certificate of permission if the appointment of the notary public is suspended or revoked and may refuse to issue a certificate of permission if the notary public has committed any violations of chapter 240 of NRS.

(d) *If the applicant is not a minister, other church or religious official authorized to solemnize a marriage or notary public but a person who desires to be a marriage officiant:*

(1) Include an additional fee not to exceed $100 for a course for marriage officiants established by the county clerk; and

(2) Be accompanied by verification that the applicant successfully completed a course for marriage officiants established by the county clerk.

(e) Include the social security number of the applicant.

~~[(e)]~~ *(f)* Be accompanied by an application fee of $25.

2. To determine the qualifications of any minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~ notary public *or person who desires to be a marriage officiant* who has filed an application for a certificate of permission, the county clerk with whom the application has been filed may require:

(a) The church or religious organization of the minister or other church or religious official authorized to solemnize a marriage to furnish any evidence which the county clerk considers necessary or helpful.

(b) An investigation of the background and present activities of the minister , ~~[or]~~ other *church or religious official* ~~[person]~~ authorized to solemnize a marriage ~~[.]~~ *, notary public or person who desires to be a marriage officiant.* The cost of an investigation conducted pursuant to this paragraph must be charged to the applicant.

3. In addition to the requirement of good standing, the county clerk shall, before approving an initial application, satisfy himself or herself that:

(a) If the applicant is a minister or other church or religious official authorized to solemnize a marriage, the applicant's ministry is one of service to his or her church or religious organization or, in the case of a retired minister or other church or religious official authorized to solemnize a marriage, that his or her active ministry was of such a nature.

(b) No certificate previously issued to the applicant has been cancelled for a knowing violation of the laws of this State or of the United States.

(c) The applicant has not been convicted of a felony, released from confinement or completed his or her parole or probation, whichever occurs later, within 10 years before the date of the application.

4. The county clerk may require any applicant to submit information in addition to that required by this section.

5. The affidavit of authority to solemnize marriages required by subparagraph (2) of paragraph (b) of subsection 1 must be in substantially the following form:

AFFIDAVIT OF AUTHORITY TO
SOLEMNIZE MARRIAGES FOR
CHURCHES AND RELIGIOUS
ORGANIZATIONS

State of Nevada }
}ss.
County of }

The..... (name of church or religious organization) is organized and carries on its work in the State of Nevada. Its active meetings are located at..... (street address, city or town). The..... (name of church or religious organization) hereby finds that..... (name of minister or other person authorized to solemnize marriages) is in good standing and is authorized by

the..... (name of church or religious organization) to solemnize a marriage.

I am duly authorized by..... (name of church or religious organization) to complete and submit this affidavit.

.....
Signature of Official

.....
Name of Official
(type or print name)

.....
Title of Official

.....
Address

.....
City, State and Zip Code

.....
Telephone Number

Signed and sworn to (or affirmed) before me this..... day of the month of..... of the year.....

.....
Notary Public for
..... County, Nevada.
My appointment expires.....

6. Not later than 30 days after issuing *or renewing* a certificate of permission to perform marriages to a notary public, the county clerk must submit to the Secretary of State the name of the notary public to whom the certificate has been issued.

7. If a licensed, ordained or appointed minister , ~~[or]~~ other church or religious official authorized to solemnize a marriage *or marriage officiant* who holds a certificate of permission to perform marriages changes his or her mailing address, the minister , ~~[or]~~ other church or religious official authorized to solemnize a marriage *or marriage officiant* must notify the county clerk who issued the certificate of his or her new mailing address not later than 30 days after the change. *Pursuant to NRS 122.068, a county clerk may revoke the certificate of permission to perform marriages of a licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage or marriage officiant who fails to notify the county clerk of his or her new mailing within 30 days after the change.* If a notary public who holds a certificate of permission to perform marriages changes his or her mailing address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment pursuant to NRS 240.036.

8. The fees collected by the county clerk pursuant to paragraph (d) of subsection 1 must be deposited in the county treasury to be used for establishing and maintaining a course for marriage officiants.

Sec. 10. NRS 122.066 is hereby amended to read as follows:

122.066 1. The Secretary of State shall establish and maintain a statewide database of ministers, other church or religious officials authorized to solemnize a marriage , ~~[or]~~ notaries public *or marriage officiants* who have been issued a certificate of permission to perform marriages ~~[.]~~ *or whose certificate has been renewed.* The database must:

(a) Serve as the official list of ministers, other church or religious officials authorized to solemnize a marriage , ~~[or]~~ notaries public *or marriage officiants* approved to perform marriages in this State;

(b) Provide for a single method of storing and managing the official list;

(c) Be a uniform, centralized and interactive database;

(d) Be electronically secure and accessible to each county clerk in this State;

(e) Contain the name, mailing address and other pertinent information of each minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~ notary public *or marriage officiant* as prescribed by the Secretary of State; and

(f) Include a unique identifier assigned by the Secretary of State to each minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~ notary public ~~[.]~~ *or marriage officiant.*

2. If the county clerk approves an application for a certificate of permission to perform marriages ~~[,]~~ *or for the renewal of a certificate,* the county clerk shall:

(a) Enter all information contained in the application into the electronic statewide database of ministers, other church or religious officials authorized to solemnize a marriage , ~~[or]~~ notaries public *or marriage officiants* maintained by the Secretary of State not later than 10 days after the certificate of permission to perform marriages *or the renewal of a certificate* is approved by the county clerk; and

(b) Provide to the Secretary of State all information related to the minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~ notary public *or marriage officiant* pursuant to paragraph (e) of subsection 1.

3. Upon approval of an application pursuant to subsection 2, the minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~ notary public ~~[:]~~ *or marriage officiant:*

(a) Shall comply with the laws of this State governing the solemnization of marriage and conduct of ministers, other church or religious officials authorized to solemnize a marriage , ~~[or]~~ notaries public ~~[;]~~ *or marriage officiants;*

(b) Is subject to further review or investigation by the county clerk to ensure that he or she continues to meet the statutory requirements for a person authorized to solemnize a marriage; and

(c) Shall provide the county clerk with any changes to his or her status or information, including, without limitation, the address or telephone number of the church or religious organization, if applicable, or any other information pertaining to certification within 30 days after such a change. If a notary public

to whom a certificate of permission to perform marriages has been issued *or renewed* changes his or her address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment in accordance with NRS 240.036.

4. *In addition to the circumstances set forth in this section in which a certificate of permission to perform marriages is no longer valid or expires, a county clerk may, in his or her discretion, establish a policy providing that a certificate of permission expires 5 years after the date it was issued or renewed. If a county clerk does not establish such a policy, the certificate of permission remains valid unless and until it becomes invalid or expires pursuant to this section.*

5. A certificate of permission is valid until:

(a) If the certificate is issued to a minister or other church or religious official authorized to solemnize a marriage, the county clerk has received an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665 or the certificate of permission is revoked pursuant to NRS 122.068.

(b) If the certificate is issued to a notary public, the appointment as a notary public has expired or has been cancelled, revoked or suspended. If, after the expiration of his or her appointment, a notary public receives a new appointment, the notary public may reapply for a certificate of permission to perform marriages . ~~[, without charge, if the reapplication occurs within 3 months after the expiration of the previous notary public appointment.~~

~~— 5.]~~ *6.* An affidavit of removal of authority to solemnize marriages that is received pursuant to paragraph (a) of subsection ~~[4]~~ *5* must be sent to the county clerk within 5 days after the minister or other church or religious official authorized to solemnize a marriage ceased to be a member of the church or religious organization in good standing or ceased to be a minister or other church or religious official authorized to solemnize a marriage for the church or religious organization.

~~[6.]~~ *7.* If the county clerk in the county where the certificate of permission was issued has reason to believe that:

(a) The minister or other church or religious official authorized to solemnize a marriage is no longer in good standing within his or her church or religious organization, or that he or she is no longer a minister or other church or religious official authorized to solemnize a marriage, or that such church or religious organization no longer exists; ~~[or]~~

(b) The notary public is no longer in good standing with the Secretary of State or that the appointment of the notary public has expired ~~[,]~~ *; or*

(c) The marriage officiant is no longer in good standing with the county clerk,

➥ the county clerk may require satisfactory proof of the good standing of the minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~ notary public ~~[.]~~ *or marriage officiant.* If such proof is not presented within 15 days, the county clerk shall remove the certificate of permission by

amending the electronic record of the minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~ notary public *or marriage officiant* in the statewide database pursuant to subsection 1.

~~[7.]~~ *8.* Except as otherwise provided in subsection ~~[8,]~~ *9,* if any minister or other church or religious official authorized to solemnize a marriage to whom a certificate of permission has been issued severs ties with his or her church or religious organization or moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such severance or move, and the church or religious organization shall, within 5 days after the severance or move, file an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665. If the minister or other church or religious official authorized to solemnize a marriage voluntarily advises the county clerk of the county in which his or her certificate was issued of his or her severance with his or her church or religious organization, or that he or she has moved from the county, the certificate shall expire immediately upon such severance or move without any notification to the county clerk by the church or religious organization.

~~[8.]~~ *9.* If any minister or other church or religious official authorized to solemnize a marriage, who is retired and to whom a certificate of permission has been issued, moves from the county in which his or her certificate was issued to another county in this State, the certificate remains valid until such time as the certificate otherwise expires or is removed or revoked as prescribed by law. The minister or other church or religious official authorized to solemnize a marriage must provide his or her new address to the county clerk in the county to which the minister or other church or religious official authorized to solemnize a marriage has moved.

~~[9.]~~ *10.* If any notary public *or marriage officiant* to whom a certificate of permission has been issued *or renewed* moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such move.

~~[10.]~~ *11.* The Secretary of State may adopt regulations concerning the creation and administration of the statewide database. This section does not prohibit the Secretary of State from making the database publicly accessible for the purpose of viewing ministers, other church or religious officials who are authorized to solemnize a marriage , ~~[or]~~ notaries public *or marriage officiants* to whom a certificate of permission to perform marriages has been issued *or renewed* in this State.

Sec. 11. NRS 122.068 is hereby amended to read as follows:

122.068 1. Any county clerk who has issued *or renewed* a certificate of permission to perform marriages to a minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~ notary public *or marriage officiant* pursuant to NRS 122.062 to 122.073, inclusive, may revoke the certificate for good cause shown after a hearing.

2. If the certificate of permission to perform marriages of any minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~

notary public *or marriage officiant* is revoked or if the county clerk has received an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665, the county clerk shall inform the Secretary of State of that fact, and the Secretary of State shall immediately remove the name of the minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~ notary public *or marriage officiant* from the official list contained in the database of ministers, other church or religious officials authorized to solemnize a marriage , ~~[or]~~ notaries public *or marriage officiants* and shall notify each county clerk and county recorder in the State of the revocation or removal of authority.

Sec. 12. NRS 122.071 is hereby amended to read as follows:

122.071 Any minister, other church or religious official authorized to solemnize a marriage , ~~[or]~~ notary public *or marriage officiant* whose application for a certificate of permission to perform marriages or renewal of such certificate is denied, or whose certificate of permission is revoked, is entitled to judicial review of such action in the district court of the county in which such action was taken.

Sec. 13. NRS 122.090 is hereby amended to read as follows:

122.090 No marriage solemnized before any person professing to be a judge, justice, minister or other church or religious official authorized to solemnize a marriage, notary public *or marriage officiant* to whom a certificate of permission to perform marriages *or a renewal of a certificate* has been issued, commissioner of civil marriages or deputy commissioner of civil marriages shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected on account of any want of jurisdiction or authority, provided it be consummated with a full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

Sec. 14. NRS 122.110 is hereby amended to read as follows:

122.110 1. In the solemnization of marriage, no particular form is required except that the parties shall declare, in the presence of the justice, judge, minister or other church or religious official authorized to solemnize a marriage, notary public *or marriage officiant* to whom a certificate of permission to perform marriages *or a renewal of a certificate* has been issued, justice of the peace, commissioner of civil marriages or deputy commissioner of civil marriages, and the attending witness, that they take each other as husband and wife.

2. In every case, there shall be at least one witness present besides the person performing the ceremony.

Sec. 15. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married ~~[a]~~ *an uncertified copy of a* certificate of marriage.

2. The certificate of marriage must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. If a male and female person who are the husband and wife of

each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the male and female person were rejoined in marriage and that the certificate is replacing a record of marriage which was lost or destroyed or is otherwise unobtainable. The certificate of marriage must be in substantially the following form:

STATE OF NEVADA

MARRIAGE CERTIFICATE

State of Nevada }
}ss.
County of }

This is to certify that the undersigned, ... (a minister or other church or religious official authorized to solemnize a marriage, notary public, judge, justice of the peace of ..... County, commissioner of civil marriages , ~~[or]~~ deputy commissioner of civil marriages ~~[,]~~ *or marriage officiant*, as the case may be), did on the ..... day of the month of ……. of the year ....., at ..... (address or church), ... (city), Nevada, join or rejoin, as the case may be, in lawful wedlock ..... (name), of ..... (city), State of ....., date of birth ....., and ..... (name), of .....(city), State of ....., date of birth ....., with their mutual consent, in the presence of ..... and ..... (witnesses). (If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, this certificate replaces the record of the marriage of the male and female person who are being rejoined in marriage.)

.....
Signature of person performing the marriage

(Seal of County Clerk)

.....
Name under signature typewritten or printed in black ink

.....
County Clerk

.....
Official title of person performing the marriage

.....

.....
Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

Sec. 16. NRS 122.220 is hereby amended to read as follows:

122.220 1. It is unlawful for any Supreme Court justice, judge of the Court of Appeals, judge of a district court, justice of the peace, municipal judge, minister or other church or religious official authorized to solemnize a

marriage, notary public, commissioner of civil marriages , ~~[or]~~ deputy commissioner of civil marriages *or marriage officiant* to join together as husband and wife persons allowed by law to be joined in marriage, until the persons proposing such marriage exhibit to him or her a license from the county clerk as provided by law.

2. Any Supreme Court justice, judge of the Court of Appeals, judge of a district court, justice of the peace, municipal judge, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages , ~~[or]~~ deputy commissioner of civil marriages *or marriage officiant* who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 17. NRS 122.260 is hereby amended to read as follows:

122.260 If any person ~~[shall undertake]~~ *undertakes* to join others in marriage, knowing that he or she is not lawfully authorized so to do, or knowing of the existence of any legal impediment to the proposed marriage, the person ~~[is guilty of a misdemeanor.]~~ *shall be punished by a civil penalty of not more than $1,500. A board of county commissioners may enact an ordinance delegating to a hearing officer the authority to determine violations of this section and to levy civil penalties for those violations.*

Sec. 18. NRS 246.075 is hereby amended to read as follows:

246.075 1. In a county whose population is 700,000 or more, the board of county commissioners may impose by ordinance an additional fee of not more than $14 for the issuance of a marriage license.

2. An ordinance adopted pursuant to subsection 1 must include a provision creating a special revenue fund designated as the fund for the promotion of marriage tourism. Any money collected from a fee imposed pursuant to subsection 1 must be paid by the county clerk to the county treasurer, and the county treasurer shall deposit the money received in the fund.

3. Any interest earned on money in the fund, after deducting any applicable charges, must be credited to the fund.

4. Any money remaining in the fund at the end of a fiscal year must not revert to the county general fund, and the balance in the fund must be carried forward to the next fiscal year.

5. The money in the fund:

(a) Must be used by the county clerk only to promote wedding tourism in the county.

(b) Must not be used to replace or supplant any money available to fund the regular operations of the office of the county clerk.

6. If a board of county commissioners adopts an ordinance pursuant to subsection 1, on or before July 1 of each year, the county clerk shall ~~[submit]~~ *report* to the board of county commissioners ~~[a report of]~~ the projected expenditures of the money in the fund for the following fiscal year.

Sec. 19. If, pursuant to NRS 122.066, as amended by section 10 of this act, a county clerk establishes a policy providing that a certificate of permission to perform marriages expires 5 years after the certificate of

permission is issued or renewed, a certificate of permission issued by the county clerk to a minister or other church or religious official authorized to solemnize a marriage or a notary public before July 1, 2017, expires on June 30, 2022, and may be renewed pursuant to NRS 122.064, as amended by section 9 of this act.

Sec. 20. This act becomes effective on July 1, 2017.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 706 to Assembly Bill No. 365 authorizes a county clerk to revoke a certificate of permission to perform marriages if a minister, other church or religious official authorized to solemnize a marriage, or marriage officiant fails to notify the county clerk within 30 days of changing his or her address.

Amendment adopted.

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

Assembly Bill No. 425.

Bill read second time and ordered to third reading.

Assembly Bill No. 429.

Bill read second time and ordered to third reading

Assembly Bill No. 439.

Bill read second time and ordered to third reading.

Assembly Bill No. 455.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 512.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 734.

SUMMARY—Revises provisions relating to fees for the use of certain state lands. (BDR 26-906)

AN ACT relating to state lands; requiring the State Land Registrar to establish certain fees by regulation for the use of state lands; revising provisions relating to the accounting and use of the proceeds of certain fees for the use of state lands; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Land Registrar is required to charge fees in certain amounts for the use of certain state lands. (NRS 322.110, 322.120) Sections 1 and 2 of this bill require the State Land Registrar to establish the amount of these fees by regulation. Section 5 of this bill provides that the existing fees remain in effect until the State Land Registrar has established such fees by regulation.

Under existing law, the proceeds of certain fees for authorization to use certain state lands must be paid to the State General Fund. (NRS 322.160)

Section 4 of this bill provides that the proceeds of certain fees relating to navigable bodies of water that are in excess of ~~[$50,000]~~ $65,000 must be accounted for separately and used by the State Land Registrar to carry out programs to preserve, protect, restore and enhance the natural environment of the Lake Tahoe Basin.

WHEREAS, The Legislature of the State of Nevada by chapter 459, Statutes of Nevada 1993, established a fee schedule in 1993 for the application for and use of lands owned by the State, including, without limitation, sovereign lands under navigable waters, which was incorporated in Nevada Revised Statutes as NRS 322.110 and 322.120; and

WHEREAS, The Legislature of the State of Nevada amended the statutes establishing the fee schedule in 1995 by chapters 293 and 645, Statutes of Nevada 1995; and

WHEREAS, This fee schedule has not been modified since 1995; and

WHEREAS, The fees charged under this fee schedule are less than the fair market value for the use of state land and less than what other western states and agencies charge for comparable uses; and

WHEREAS, The State Land Registrar is authorized to charge a nonrefundable application fee and annual use fee for various uses of state land pursuant to NRS 322.110 and 322.120; and

WHEREAS, The fees charged by the State Land Registrar require modification in order to enable the State Land Registrar to charge a more appropriate fee for the application for and use of state lands; now, therefore,

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

Section 1. NRS 322.110 is hereby amended to read as follows:

322.110 1. Except as otherwise provided in this section or by specific statute, the State Land Registrar shall charge ~~[the following nonrefundable fees:]~~ *a nonrefundable fee in an amount established by regulation for the following:*

(a) For the consideration of an application for the issuance of any lease, easement, permit, license or other authorization for:

(1) Any commercial use of state land other than an agricultural use . ~~[, a fee of $200.]~~

(2) Any agricultural use of state land . ~~[, a fee of $150.]~~

(3) Any other use of state land . ~~[, a fee of $100.]~~

(b) For the consideration of an application for the amendment of any lease, easement, permit, license or other authorization for:

(1) Any commercial use of state land other than an agricultural use . ~~[, a fee of $100.]~~

(2) Any agricultural use of state land . ~~[, a fee of $75.]~~

(3) Any other use of state land . ~~[, a fee of $50.]~~

2. The State Land Registrar shall charge a nonrefundable fee ~~[of $10]~~ *in an amount established by regulation* for the consideration of an application for the issuance or amendment of a permit to engage in recreational dredging.

3. The State Land Registrar may waive any fee for the consideration of an application regarding any permit, license or other authorization for the use of state land for which no fee is charged.

Sec. 2. NRS 322.120 is hereby amended to read as follows:

322.120 Except as otherwise provided *in this section or* by specific statute, the State Land Registrar shall charge *a fee in an amount established by regulation* for the issuance of:

1. A permit for:

(a) The commercial use of a pier or other facility for loading passengers on vessels in a navigable body of water . ~~[, a fee of $125 per year.]~~

(b) The multiple residential use of a pier or other facility for loading passengers on vessels in a navigable body of water . ~~[, a fee of $62.50 per year.]~~

(c) The single residential use of a pier or other facility for loading passengers on vessels in a navigable body of water . ~~[, a fee of $50 per year.]~~

(d) Any other use of a pier or other facility for loading passengers on vessels in a navigable body of water . ~~[, a fee of $62.50 per year.]~~

2. A permit for:

(a) The commercial use:

(1) Of a boat hoist, boat house, boat ramp, boat slip, deck or a similar device or structure in or on a navigable body of water, ~~[a fee of $50 per year,]~~ except that no fee may be charged for a boat hoist, boat house or deck which is attached to a pier.

(2) Of a mooring buoy or similar device for mooring vessels in or on a navigable body of water . ~~[, a fee of $10 per month or $100 per year.]~~

(b) Any other use:

(1) Of a boat hoist, boat house, boat ramp, boat slip, deck or a similar device or structure in or on a navigable body of water, ~~[a fee of $25 per year,]~~ except that no fee may be charged for a boat hoist, boat house or deck which is attached to a pier.

(2) Of a mooring buoy or similar device for mooring vessels in or on a navigable body of water . ~~[, a fee of $5 per month or $30 per year.]~~

(c) Any use of a boat-fueling facility in or on a navigable body of water . ~~[, a fee of $250 per year.]~~

Sec. 3. NRS 322.125 is hereby amended to read as follows:

322.125 1. The State Land Registrar shall grant a person credit towards the fee ~~[required]~~ *imposed* pursuant to NRS 322.120 for the commercial use of state land in an amount equal to:

(a) The amount that the total fees charged to that person pursuant to that section for the previous year exceeded one and one-half cents for each gallon of fuel sold plus 5 percent of that person's gross revenue from the commercial use of that state land, excluding the sale of fuel, for that year;

(b) The amount that the United States Forest Service returned to the State of Nevada from money that the person was required to pay pursuant to a lease or permit to use federal land during the previous year which is attributable to revenues earned on land belonging to the State of Nevada; and

(c) The difference between the fee for a permit for commercial use and the fee for a permit for multiple residential use if during the previous year the person paid the fee for a permit for commercial use but did not conduct that commercial use.

2. A person who is eligible for a credit pursuant to subsection 1 shall demonstrate to the satisfaction of the State Land Registrar that the person is entitled to such a credit.

3. If the amount of a credit granted pursuant to this section exceeds the amount of the fee imposed pursuant to NRS 322.120 for the year in which the credit will be used, the excess credit is forfeited and the State Land Registrar shall not grant a refund or apply the credit to any other year.

Sec. 4. NRS 322.160 is hereby amended to read as follows:

322.160 The proceeds of any fee charged pursuant to NRS 322.100 to 322.130, inclusive, must be accounted for by the State Land Registrar and:

1. If the fee is for any authorization to use land granted to the State by the Federal Government for educational purposes, the proceeds must be paid into the State Treasury for credit to the State Permanent School Fund.

2. If the fee is for any authorization to use any other state land, *except as otherwise provided in this subsection,* the proceeds must be paid into the State Treasury for credit to the State General Fund. *If the proceeds of the fees charged pursuant to NRS 322.120 to use any other state land exceed ~~[$50,000]~~ $65,000 in any fiscal year, the amount which is in excess of ~~[$50,000]~~ $65,000 must be accounted for separately and used by the State Land Registrar to carry out programs to preserve, protect, restore and enhance the natural environment of the Lake Tahoe Basin.*

Sec. 5. Notwithstanding the amendatory provisions of this act, the fees set forth in NRS 322.110 and 322.120, as those sections existed on June 30, 2017, remain in effect until the regulations establishing fees pursuant to NRS 322.110 and 322.120, as amended by sections 1 and 2 of this act, respectively, are adopted by the State Land Registrar and filed with the Secretary of State.

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 734 to Senate Bill No. 512 revises the amount of fees that relate to the State Land Registrar in carrying out his or her duties regarding the Lake Tahoe Basin.

Amendment adopted.

Senator Kieckhefer moved that the bill be placed on the Secretary's desk, upon return from reprint.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Secretary's Desk.

GENERAL FILE AND THIRD READING

Senate Bill No. 516.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 711.

SUMMARY—Revises provisions governing workforce innovation and apprenticeships. (BDR 53-913)

AN ACT relating to employment; creating the Office of Workforce Innovation within the Office of the Governor; establishing the duties of the Office and the Executive Director of the Office; revising the membership, procedures and duties of the State Apprenticeship Council; revising the qualifications, requirements and duties of the State Director of Apprenticeship; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2016, the Governor of Nevada issued Executive Order 2016-08, which established the Office of Workforce Innovation within the Office of Governor. Sections 18-21 of this bill codify the Office into Nevada Revised Statutes. Section 20 of this bill establishes the powers and duties of the Executive Director of the Office of Workforce Innovation. Section 21.5 of this bill provides that the employees of the Office of Workforce Innovation are not in the classified or unclassified service of the State. Sections 14, 20 and 23 of this bill move the responsibility for the oversight of the State's statewide longitudinal data system linking data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State from the P-20W Advisory Council to the Executive Director of the Office of Workforce Innovation.

The federal National Apprenticeship Act authorizes and directs the United States Secretary of Labor to: (1) formulate and promote the furtherance of labor standards to safeguard the welfare of apprentices; (2) encourage the inclusion of such standards in contracts of apprenticeship; (3) bring together employers and labor for the creation of programs of apprenticeship; and (4) cooperate with state agencies in the establishment and promotion of standards of apprenticeship. (29 U.S.C. § 50) In 1977, the Secretary of Labor promulgated regulations implementing the National Apprenticeship Act which placed responsibility for accomplishing those goals in the United States Department of Labor, but authorized the Department to delegate authority to administer certain portions of the regulations to states under certain circumstances where a state's apprenticeship laws conform to the federal regulations and the state's entities satisfy the requirements for recognition by the Department. (29 C.F.R. Part 29 (1977))

In 2008, the Secretary of Labor updated the federal regulations concerning apprenticeship and required participating states to conform their apprenticeship laws, regulations and policies to those federal regulations in order to continue or obtain federal recognition. (29 C.F.R. Part 29) The requirements for conformity and recognition include, among other things, certain changes in the roles and responsibilities of administrative entities of state government responsible for apprenticeship, including a provision which

prohibits a state apprenticeship council from being recognized as a state's registration agency. (29 C.F.R. § 29.2)

Under existing law, the apprenticeship program in Nevada is administered by the Labor Commissioner as the ex officio State Director of Apprenticeship with the advice and guidance of the State Apprenticeship Council. (NRS 610.110, 610.120) Sections 11 and 18 of this bill make the Office of Workforce Innovation responsible and accountable for apprenticeship in this State as this State's registration agency. Sections 3-6 of this bill change the membership, procedures and duties of the State Apprenticeship Council. Section 6 also requires the State Apprenticeship Council to act as a regulatory body in administering the provisions governing the state apprenticeship program. In lieu of the Labor Commissioner serving ex officio as the State Director of Apprenticeship, section 8 requires the Governor to appoint a State Apprenticeship Director. Sections 7-13 of this bill impose additional qualifications, requirements and duties on the State Apprenticeship Director. Section 13 also eliminates appeals to the Labor Commissioner of determinations or decisions of the State Apprenticeship Council regarding violations of the terms and conditions of programs or agreements.

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

Section 1. NRS 610.010 is hereby amended to read as follows:

610.010 As used in this chapter, unless the context otherwise requires:

1. "Agreement" means a written and signed agreement of indenture as an apprentice.

2. "Apprentice" means a person who is covered by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.

3. *"Council" means the State Apprenticeship Council created by NRS 610.030.*

4. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

~~[4.]~~ *5. "Executive Director" means the Executive Director of the Office of Workforce Innovation.*

6. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

~~[5.]~~ *7. "Office of Workforce Innovation" means the Office of Workforce Innovation in the Office of the Governor created by section 18 of this act.*

8. "Program" means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.

~~[6.]~~ *9.* "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

10. "State Apprenticeship Director" means the person appointed pursuant to NRS 610.110.

Sec. 2. NRS 610.020 is hereby amended to read as follows:

610.020 The purposes of this chapter are:

1. To open to people, without regard to race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability or national origin, the opportunity to obtain training that will equip them for profitable employment and citizenship.

2. To establish, as a means to this end, an organized program for the voluntary training of persons under approved standards for apprenticeship, providing facilities for their training and guidance in the arts and crafts of industry and trade, with instruction in related and supplementary education.

3. To promote opportunities for employment for all persons, without regard to race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability or national origin, under conditions providing adequate training and reasonable earnings.

4. To regulate the supply of skilled workers in relation to the demand for skilled workers.

5. To establish standards for the training of apprentices in approved programs.

6. To establish a State Apprenticeship Council . ~~[with the authority to carry out the purposes of this chapter and provide for local joint apprenticeship committees to assist in carrying out the purposes of this chapter.]~~

7. To provide for a State *Apprenticeship* Director ~~[of Apprenticeship.]~~ *with the authority to carry out the purposes of this chapter.*

8. To provide for reports to the Legislature and to the public regarding the status of the training of apprentices in the State.

9. ~~[To establish procedures for regulating programs and deciding controversies concerning programs and agreements.~~

~~10.]~~ To accomplish related ends.

Sec. 3. NRS 610.030 is hereby amended to read as follows:

610.030 ~~[1. A]~~ *There is hereby created a* State Apprenticeship Council composed of ~~[seven members is hereby created.~~

~~2. The Labor Commissioner shall appoint:]~~ *:*

1. The following voting members, appointed by the Governor:

(a) ~~[Three]~~ *Four* members who are representatives from employer associations and have knowledge concerning occupations in which a person may be apprenticed.

(b) ~~[Three]~~ *Four* members who are representatives from employee organizations and have knowledge concerning occupations in which a person may be apprenticed.

(c) One member who is a representative of the general public . ~~[and who, before appointment, must first receive the unanimous approval of the members appointed under the provisions of paragraphs (a) and (b).~~

~~3. The state official who has been designated by the State Board for Career and Technical Education as being in charge of trade and industrial education is an ex officio member of the State Apprenticeship Council but may not vote.]~~

2. The following nonvoting members:

(a) The Executive Director of the Office of Economic Development or his or her designee.

(b) The Superintendent of Public Instruction or his or her designee.

(c) One representative of a community college located in a county whose population is 700,000 or more, appointed by the Chancellor of the Nevada System of Higher Education.

(d) One representative of a community college located in a county whose population is less than 700,000, appointed by the Chancellor of the Nevada System of Higher Education.

Sec. 4. NRS 610.040 is hereby amended to read as follows:

610.040 1. ~~[In making the initial appointments to the Council, the Labor Commissioner shall appoint:~~

~~(a) One member who is a representative from employer associations, one member who is a representative from employee organizations, and one member who is the representative from the general public for terms of 1 year.~~

~~(b) One member who is a representative from employer associations and one member who is a representative from employee organizations for terms of 2 years.~~

~~(c) One member who is a representative from employer associations and one member who is a representative from employee organizations for terms of 3 years.~~

~~2. After the initial appointments provided for in subsection 1, each]~~ *Each voting* member *of the Council* shall serve for a term of 3 years ~~[.]~~ *, so long as the member has the qualifications required by NRS 610.030. A member of the Council who no longer has the qualifications specified in NRS 610.030 under which the member was appointed shall continue to serve on the Council until the member's successor is appointed.*

2. The voting members of the Council serve at the pleasure of the Governor.

3. The nonvoting members of the Council appointed pursuant to paragraphs (c) and (d) of subsection 2 of NRS 610.030 serve at the pleasure of the Chancellor of the Nevada System of Higher Education.

Sec. 5. NRS 610.070 is hereby amended to read as follows:

610.070 *1. The Governor shall select from the membership of the Council a Chair and Vice Chair, who shall hold office for 1 year.*

2. The State Apprenticeship Director shall serve as the nonvoting Secretary of the Council.

3. The Council may prescribe such bylaws as it deems necessary for its operation.

4. The ~~[State Apprenticeship]~~ Council shall meet at least once ~~[in each calendar quarter and may meet at other times at the call of]~~ *annually at a time*

and place specified by the call of the Chair, the State Apprenticeship Director, the Executive Director or a majority of ~~[its]~~ *the* members ~~[.]~~ *of the Council. Special meetings of the Council may be held at the call of the Chair, the State Apprenticeship Director, the Executive Director or a majority of the members of the Council at such additional times as they deem necessary.*

5. Five voting members of the Council constitutes a quorum, and a quorum may exercise any power or authority conferred on the Council.

Sec. 5.5. NRS 610.080 is hereby amended to read as follows:

610.080 1. Each member of the ~~[State Apprenticeship]~~ Council is entitled to receive a salary of not more than $80 per day, as fixed by the Council, while attending meetings of the Council.

2. While engaged in the business of the Council, each member and employee of the Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 6. NRS 610.090 is hereby amended to read as follows:

610.090 The ~~[State Apprenticeship]~~ Council shall:

1. Establish standards for programs and agreements that are not lower than those prescribed by this chapter.

2. Upon review and approval, extend written reciprocal recognition to multistate joint programs.

3. Adopt such regulations as may be necessary to carry out the intent and purposes of this chapter.

4. *Administer the provisions of this chapter as a regulatory body.*

5. Consistent with its duties and obligations under this chapter, demonstrate linkages and coordination with the State's economic development strategies and workforce investment system that is paid for wholly or in part out of public money, as set forth in 29 C.F.R. § 29.13.

6. Adopt regulations pursuant to 29 C.F.R. Parts 29 and 30.

7. Perform such other functions as may be necessary for the fulfillment of the intent and purposes of this chapter.

Sec. 7. NRS 610.100 is hereby amended to read as follows:

610.100 The State Apprenticeship ~~[Council]~~ *Director* shall make a report of ~~[its]~~ *the* activities and findings ~~[, through the Labor Commissioner, as provided in NRS 607.080,]~~ *of the Council* to the Legislature and to the public.

Sec. 8. NRS 610.110 is hereby amended to read as follows:

610.110 *1.* The ~~[Labor Commissioner or the duly appointed representative of the Labor Commissioner]~~ *Governor* shall ~~[be ex officio]~~ *appoint a* State *Apprenticeship* Director . ~~[of Apprenticeship.]~~

2. The State Apprenticeship Director:

(a) Shall report to the Executive Director.

(b) Is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.

(c) Must have responsible administrative experience in public or business administration or must possess broad management skills in areas related to the functions of this chapter.

(d) Must have the demonstrated ability to administer a major public agency in the field of workforce development, and must possess the following skills and attributes:

(1) A comprehensive knowledge of administrative principles and a working knowledge of broad principles relating to subject matters under his or her administrative direction.

(2) The administrative ability to assess the adequacy of agency operations and the protection of the public interest as related to the subject fields.

(3) An ability to organize and present oral and written communication to the Governor, the Legislature and other pertinent officials or persons.

(4) A background which demonstrates that he or she can impartially serve the interests of both employees and employers.

(e) Must not, at the time of appointment or at any time during his or her term of office, receive payment or compensation as the officer of any labor organization or have a pecuniary interest in any labor organization.

Sec. 9. NRS 610.120 is hereby amended to read as follows:

610.120 1. The State *Apprenticeship* Director ~~[of Apprenticeship]~~ shall:

(a) Administer the provisions of this chapter with the advice and guidance of the State Apprenticeship Council.

(b) ~~[In cooperation with the State Apprenticeship Council and local or state joint apprenticeship committees, set up conditions and standards for proposed programs, that are not less stringent than those prescribed by this chapter.~~

~~(c) Approve any agreement which meets the standards established under this chapter and terminate or cancel any agreement in accordance with the provisions of the agreement, the program, this chapter and the standards approved by the State Apprenticeship Council.~~

~~(d)]~~ Keep a record of agreements and their dispositions.

~~[(e)]~~ *(c)* Issue certificates of completion of apprenticeship at the request of the local joint apprenticeship committee.

~~[(f)]~~ *(d) Promote apprenticeship programs through public engagement activities and other initiatives.*

(e) Ensure information and resources related to applications for new apprenticeship programs are made available to the public, including, without limitation, information related to technical assistance and requirements for applicants of new apprenticeship programs.

(f) Establish and maintain an Internet website that provides information regarding apprenticeship programs to the public.

(g) Assist the Council in identifying opportunities for linkages and coordination with the State's economic development strategies and workforce investment system that is paid for wholly or in part with public money, in accordance with 29 C.F.R. § 29.13.

(h) Coordinate community-based outreach initiatives designed to promote apprenticeship opportunities among students, displaced workers and other persons who face barriers to entering the workforce.

(i) Prepare budgets and compile annual reports to the Legislature, Executive Director and Governor.

(j) Perform other administrative duties on behalf of the Council.

(k) Perform such other duties as are necessary to carry out the intent and purposes of this chapter.

2. The administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for that instruction are the responsibility of the local joint apprenticeship committees.

3. As used in this section, "technical assistance" means guidance provided by the Office of Workforce Innovation to the sponsor of a proposed or existing apprenticeship program for the development, revision, amendment or processing of standards of apprenticeship or apprenticeship agreements and the provision of advice to or consultation with such a sponsor to further compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 10. NRS 610.140 is hereby amended to read as follows:

610.140 1. A local or state apprenticeship committee shall:

(a) In accordance with standards ~~[set up]~~ *established* by the ~~[State Apprenticeship]~~ Council, work in an advisory capacity with employers and employees in matters regarding schedules of operations, application of wage rates, and working conditions for apprentices, which conditions must specify the number of apprentices which may be employed locally in the trade under programs and agreements entered into under this chapter.

(b) Adjust disputes concerning apprenticeships not otherwise provided for in bona fide collective bargaining agreements.

(c) Within 10 days after the termination of any agreement, submit to the State Apprenticeship ~~[Council]~~ *Director* a written notice which includes the name of the apprentice and the reason for the termination.

(d) Keep the ~~[State Apprenticeship]~~ Council informed of all actions.

2. The decisions of local or state joint apprenticeship committees are, at all times, subject to appeal to the ~~[State Apprenticeship]~~ Council.

Sec. 11. NRS 610.144 is hereby amended to read as follows:

610.144 To be eligible for registration and approval by the ~~[State Apprenticeship]~~ Council, a proposed program must:

1. Be an organized, written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an occupation in which a person may be apprenticed and be subscribed to by a sponsor who has undertaken to carry out the program.

2. Contain the pledge of equal opportunity prescribed in 29 C.F.R. § ~~[30.3(b)]~~ *30.3(c)* and, when applicable:

(a) A plan of affirmative action in accordance with 29 C.F.R. § 30.4;

(b) A method of selection authorized in 29 C.F.R. § ~~[30.5;]~~ *30.10;*

(c) A nondiscriminatory pool for application as an apprentice; or

(d) Similar requirements expressed in a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the *United States* Department of Labor.

3. Contain:

(a) Provisions concerning the employment and training of the apprentice in a skilled trade;

(b) A term of apprenticeship of not less than 2,000 hours of work experience, consistent with training requirements as established by practice in the trade;

(c) An outline of the processes in which the apprentice will receive supervised experience and training on the job, and the allocation of the approximate time to be spent in each major process;

(d) Provisions for organized, related and supplemental instruction in technical subjects related to the trade with a minimum of 144 hours for each year of apprenticeship, given in a classroom or through trade, industrial or correspondence courses of equivalent value or other forms of study approved by the ~~[State Apprenticeship]~~ Council;

(e) A progressively increasing, reasonable and profitable schedule of wages to be paid to the apprentice consistent with the skills acquired, not less than that allowed by federal or state law or regulations or by a collective bargaining agreement;

(f) Provisions for a periodic review and evaluation of the apprentice's progress in performance on the job and related instruction and the maintenance of appropriate records of such progress;

(g) A numeric ratio of apprentices to journeymen consistent with proper supervision, training, safety, continuity of employment and applicable provisions in collective bargaining agreements, in language that is specific and clear as to its application in terms of job sites, workforces, departments or plants;

(h) A probationary period that is reasonable in relation to the full term of apprenticeship, with full credit given for that period toward the completion of the full term of apprenticeship;

(i) Provisions for adequate and safe equipment and facilities for training and supervision and for the training of apprentices in safety on the job and in related instruction;

(j) The minimum qualifications required by a sponsor for persons entering the program, with an eligible starting age of not less than 16 years;

(k) Provisions for the placement of an apprentice under a written agreement as required by this chapter, incorporating directly or by reference the standards of the program;

(l) Provisions for the granting of advanced standing or credit to all applicants on an equal basis for previously acquired experience, training or skills, with commensurate wages for each advanced step granted;

(m) Provisions for the transfer of the employer's training obligation when the employer is unable to fulfill his or her obligation under the agreement to

another employer under the same or a similar program with the consent of the apprentice and the local joint apprenticeship committee or sponsor of the program;

(n) Provisions for the assurance of qualified training personnel and adequate supervision on the job;

(o) Provisions for the issuance of an appropriate certificate evidencing the successful completion of an apprenticeship;

(p) An identification of the ~~[State Apprenticeship Council]~~ *Office of Workforce Innovation* as the agency for registration of the program;

(q) Provisions for the registration of agreements and of modifications and amendments thereto;

(r) Provisions for notice to the ~~[Labor Commissioner]~~ *State Apprenticeship Director* of persons who have successfully completed the program and of all cancellations, suspensions and terminations of agreements and the causes therefor;

(s) Provisions for the termination of an agreement during the probationary period by either party without cause;

(t) A statement that the program will be conducted, operated and administered in conformity with the applicable provisions of 29 C.F.R. Part 30 or a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the *United States* Department of Labor;

(u) The name and address of the appropriate authority under the program to receive, process and make disposition of complaints; and

(v) Provisions for the recording and maintenance of all records concerning apprenticeships as may be required by the ~~[State Apprenticeship]~~ Council and applicable laws.

Sec. 12. NRS 610.150 is hereby amended to read as follows:

610.150 Every agreement entered into under this chapter must contain:

1. The names and signatures of the contracting parties and the signature of a parent or legal guardian if the apprentice is a minor.

2. The date of birth of the apprentice.

3. The name and address of the sponsor of the program.

4. A statement of the trade or craft in which the apprentice is to be trained, and the beginning date and expected duration of the apprenticeship.

5. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction, which instruction must not be less than 144 hours per year.

6. A statement setting forth a schedule of the processes in the trade or division of industry in which the apprentice is to be trained and the approximate time to be spent at each process.

7. A statement of the graduated scale of wages to be paid the apprentice and whether or not compensation is to be paid for the required time in school.

8. Statements providing:

(a) For a specific period of probation during which the agreement may be terminated by either party to the agreement upon written notice to the State Apprenticeship ~~[Council;]~~ *Director;* and

(b) That after the probationary period the agreement may be cancelled at the request of the apprentice, or suspended, cancelled or terminated by the sponsor for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and the State Apprenticeship ~~[Council]~~ *Director* of the final action taken.

9. A reference incorporating as part of the agreement the standards of the program as it exists on the date of the agreement and as it may be amended during the period of the agreement.

10. A statement that the apprentice will be accorded equal opportunity in all phases of employment and training as an apprentice without discrimination because of race, color, creed, sex, sexual orientation, gender identity or expression, religion or disability.

11. A statement naming the ~~[State Apprenticeship]~~ Council as the authority designated pursuant to NRS 610.180 to receive, process and dispose of controversies or differences arising out of the agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the program or collective bargaining agreements.

12. Such additional terms and conditions as are prescribed or approved by the ~~[State Apprenticeship]~~ Council not inconsistent with the provisions of this chapter.

Sec. 12.5. NRS 610.160 is hereby amended to read as follows:

610.160 1. No agreement under this chapter is effective until it is approved by the local joint apprenticeship committee and the ~~[State Director of Apprenticeship.]~~ *Council.* A copy of the agreement must be forwarded within 10 days after approval by the local joint apprenticeship committee to the ~~[State Director of Apprenticeship.]~~ *Council.*

2. Every agreement must be signed by the employer, by an association of employers or by an organization of employees acting as agent for an employer, and by the apprentice. If the apprentice is a minor, the agreement must also be signed by:

(a) Both parents, if the minor is living with both parents;

(b) The custodial parent, if the minor is living with only one parent; or

(c) The minor's legal guardian.

3. If a minor enters into an agreement under this chapter for a period of training extending into his or her majority, the agreement is likewise binding for the period covered during his or her majority.

Sec. 13. NRS 610.180 is hereby amended to read as follows:

610.180 1. Upon the complaint of any interested person or upon its own initiative, the ~~[State Apprenticeship]~~ Council may investigate to determine if there has been a violation of the terms or conditions of an approved program or an agreement made under this chapter. The ~~[State Apprenticeship]~~ Council may hold necessary hearings, inquiries and other proceedings. The parties to

each agreement and the sponsors and interested participants in the program shall be given a fair and impartial hearing, after reasonable notice. A copy of the determination or decision of each hearing must be filed with the ~~[Labor Commissioner, and if no appeal therefrom is filed with the Labor Commissioner within 10 days after the date thereof the determination or decision of the State Apprenticeship Council becomes the order of the Labor Commissioner.]~~ *State Apprenticeship Director*.

2. ~~[Any person aggrieved by any determination or action of the State Apprenticeship Council may appeal to the Labor Commissioner, whose decision, when supported by evidence, is conclusive if notice of appeal therefrom to the courts is not filed within 30 days after the date of the decision of the Labor Commissioner.~~

~~3.]~~ A person shall not institute any action based upon:

(a) An agreement;

(b) Proposed or approved standards for apprenticeship; or

(c) A program governed by this chapter,

➥ unless the person first exhausts all administrative remedies provided by this chapter.

Sec. 14. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. The Administrator may, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system ~~[developed]~~ *administered* pursuant to ~~[NRS 400.040,]~~ *section 20 of this act*, make the information obtained by the Division available to:

(a) The Board of Regents of the University of Nevada for the purpose of complying with the provisions of subsection 4 of NRS 396.531; and

(b) The Director of the Department of Employment, Training and Rehabilitation for the purpose of complying with the provisions of paragraph (d) of subsection 1 of NRS 232.920.

4. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and

industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation;

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS; and

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

➥ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

5. Upon written request made by the State Controller or a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request may be made electronically and must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the State Controller or local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation assigned to the State Controller for collection or owed to the local government, as applicable. Except as otherwise provided in NRS 239.0115, the information obtained by the State Controller or local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation assigned to the State Controller for collection or owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

6. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions

necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

7. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

8. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. In addition to the provisions of subsection 6, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B and 363C of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

10. The Division of Industrial Relations of the Department of Business and Industry shall periodically submit to the Administrator, from information in the index of claims established pursuant to NRS 616B.018, a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. Upon receipt of that information, the Administrator shall compare the information so provided with the records of the Employment Security Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the Division of Industrial Relations must be in a form determined by the Administrator and must contain the social security number of each such person. If it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency.

11. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

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

13. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 21, inclusive, of this act.

Sec. 18. *1. The Office of Workforce Innovation is hereby created in the Office of the Governor.*

2. The Office of Workforce Innovation has responsibility and accountability for apprenticeship within this State.

Sec. 19. *1. The Governor shall appoint the Executive Director of the Office of Workforce Innovation.*

2. The Executive Director is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.

Sec. 20. *The Executive Director of the Office of Workforce Innovation shall:*

1. Provide support to the Office of the Governor, the Governor's Workforce Development Board created by NRS 232.935 and the industry sector councils established by the Governor's Workforce Development Board on matters relating to workforce development.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for workforce development and diversification in this State.

3. Collect and systematize and present in biennial reports to the Governor and the Legislature such statistical details relating to workforce development in the State as the Executive Director of the Office may deem essential to further the objectives of the Office of Workforce Innovation.

4. At the direction of the Governor:

(a) Identify, recommend and implement policies related to workforce development.

(b) Define career pathways and identify priority career pathways for secondary and postsecondary education.

(c) Discontinue career pathways offered by the State which fail to meet minimum standards of quality, rigor and cross-education alignment, or that do not demonstrate a connection to priority industry needs.

(d) In consultation with the Governor's Workforce Development Board, identify industry-recognized credentials, workforce development programs and education.

(e) Maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.

(f) Collect accurate educational data in the statewide longitudinal data system for the purpose of analyzing student performance through employment to assist in improving the educational system and workforce training program in this State.

(g) Apply for and administer grants, including, without limitation, those that may be available from funding reserved for statewide workforce investment activities.

(h) Review the status and structure of local workforce investment areas in the State, in coordination with the Governor and the Governor's Workforce Development Board.

(i) Report periodically to the Governor's Workforce Development Board concerning the administration of the policies and programs of the Office of Workforce Innovation.

(j) On or before March 31 of each year, submit to the Governor a complete report of the activities, discussions, findings and recommendations of the Office of Workforce Innovation.

(k) Oversee the State Apprenticeship Council and the State Apprenticeship Director pursuant to NRS 610.110 to 610.185, inclusive, and perform such other functions as may be necessary for the fulfillment of the intent and purposes of chapter 610 of NRS.

(l) Suggest improvements regarding the allocation of federal and state money to align workforce training and related education programs in the State, including, but not limited to, career and technical education.

Sec. 21. *The following public agencies shall submit educational and workforce data for inclusion in the statewide longitudinal data system maintained pursuant to paragraph (e) of subsection 4 of section 20 of this act:*

1. The Department of Employment, Training and Rehabilitation.

2. The Department of Education.

3. The Nevada System of Higher Education.

4. The Department of Motor Vehicles.

5. Any other public agency which is directed by the Governor to submit such data.

Sec. 21.5. NRS 223.085 is hereby amended to read as follows:

223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, the Office of Economic Development, the Office of Science, Innovation and Technology, the Office of the Western Regional Education Compact *, the Office of*

Workforce Innovation and the Governor's mansion. Except as otherwise provided by specific statute, such employees are not in the classified or unclassified service of the State and, except as otherwise provided in NRS 231.043 and 231.047, serve at the pleasure of the Governor.

2. Except as otherwise provided by specific statute, the Governor shall:

(a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that purpose; and

(b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.

3. The Governor may:

(a) Appoint a Chief Information Officer of the State; or

(b) Designate the Administrator as the Chief Information Officer of the State.

➥ If the Administrator is so appointed, the Administrator shall serve as the Chief Information Officer of the State without additional compensation.

4. As used in this section, "Administrator" means the Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.

Sec. 22. (Deleted by amendment.)

Sec. 23. NRS 400.040 is hereby amended to read as follows:

400.040 1. The Council shall address:

(a) Methods to increase the number of students who enroll in programs at the System to become teachers, including, without limitation, financial aid programs for students enrolled in those programs.

(b) Methods to ensure the successful transition of children from early childhood education programs to elementary school, including, without limitation, methods to increase parental involvement.

(c) Methods to ensure the successful transition of pupils from:

(1) Elementary school to middle school;

(2) Middle school to high school; and

(3) High school to postsecondary education or the workforce, or both,

➥ including, without limitation, methods to increase parental involvement.

(d) Methods to ensure that the course work, standards and assessments required of pupils in secondary schools is aligned with the workload expected of students at the postsecondary level.

(e) Methods to ensure collaboration among the business community, members of the academic community and political leaders to set forth a process for developing strategies for the growth and diversification of the economy of this State.

(f) Policies relating to workforce development, employment needs of private employers and workforce shortages in occupations critical to the education, health and safety of the residents of this State.

(g) ~~[The development and oversight of a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public~~

~~education with data relating to postsecondary education and the workforce in this State.~~

~~(h) A plan for collaborative research using data from the statewide longitudinal data system developed pursuant to paragraph (g), including, without limitation, research that assesses:~~

~~(1) The efficiency and effectiveness of the use of state resources to improve the readiness of pupils in this State for postsecondary education and the workforce;~~

~~(2) The effectiveness of the preparation of teachers and administrators in this State; and~~

~~(3) The return on investment of educational and workforce development programs paid for by this State.~~

~~(i)~~] Other matters within the scope of the Council as determined necessary or appropriate by the Council.

2. The Council may:

(a) Establish committees to assist the Council in carrying out its duties.

(b) Apply for any available grants and may accept any gifts, grants and donations from any source to assist the Council in carrying out its duties.

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. 1. The terms of the members of the State Apprenticeship Council created by NRS 610.030 who are incumbent on June 30, 2017, expire on that date.

2. On or before July 1, 2017, the Governor shall appoint the voting members of the State Apprenticeship Council created by NRS 610.030, as amended by section 3 of this act, to terms commencing on July 1, 2017, as follows:

(a) Three members to terms that expire on July 1, 2018;

(b) Three members to terms that expire on July 1, 2019; and

(c) Three members to terms that expire on July 1, 2020.

3. On or before July 1, 2017, the Chancellor of the Nevada System of Higher Education shall appoint the nonvoting members of the State Apprenticeship Council created by NRS 610.030, as amended by section 3 of this act, described in paragraphs (c) and (d) of subsection 2 of NRS 610.030, as amended by section 3 of this act.

Sec. 28. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

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

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

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

Sec. 29. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 30. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 31. NRS 610.060 ~~[and 610.080 are]~~ is hereby repealed.

Sec. 32. This act becomes effective on July 1, 2017.

TEXT OF REPEALED ~~[SECTIONS]~~ SECTION

610.060 Officers.

1. The member who is a representative of the general public shall act as Chair of the State Apprenticeship Council but shall not vote on matters before the Council except in the case of a tie.

2. The Labor Commissioner or the appointed representative of the Labor Commissioner is the ex officio Secretary of the State Apprenticeship Council, but may not vote.

~~[610.080 Compensation of members and employees.~~

~~1. Each member of the State Apprenticeship Council is entitled to receive a salary of not more than $80 per day, as fixed by the Council, while attending meetings of the Council.~~

~~2. While engaged in the business of the Council, each member and employee of the Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.]~~

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 711 to Senate Bill No. 516 provides that the employees of the Office of Workforce Innovation are not classified or in the unclassified service of the State. This amendment aligns with the work being done by the money committees.

Amendment adopted.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 516 establishes the Office of Workforce Innovation within the Office of the Governor. The legislation requires the Governor to appoint a non-classified executive director to the office. Specifies the responsibilities of the office and transfers the Nevada P20 to work-force research data or empower system to that office. In addition Senate Bill No. 516 transfers responsibility for the State Apprenticeship program and the State Apprenticeship Counsel from the Department of Business and Industry to the office; requires the Governor to appoint a non-classified State Apprenticeship Director; revises the membership and the duties of the State Apprenticeship Counsel and modifies the structure of the State Apprenticeship Counsel, to align with Federal requirements. This bill implements a budget decision and is effective July 01, 2017.

Roll call on Senate Bill No. 516:

YEAS—21.

NAYS—None.

Senate Bill No. 516 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 175; Assembly Bills Nos. 12, 247, 279, 452.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Gansert, the privilege of the floor of the Senate Chamber for this day was extended to Ruth Bunc.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Justin Allen, Lavonne Brooks, Joanne Fahnestock, Ronnie Fahnestock, Delvon Howard, Leslie Ross and Messiah Smith.

On request of Senator Parks, the privilege of the floor of the Senate Chamber for this day was extended to Thuon Chen, Claudia Chiang-Lopez, Gloria Flores, Emi Kramer, Antonio Mila, Tantri Porter and Adriana Rocha.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Jarrett L. Clark.

Senator Ford moved that the Senate adjourn until Thursday, May 18, 2017, at 11:00 a.m.

Motion carried.

Senate adjourned at 1:27 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate