THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 24, 2019

Senate called to order at 2:04 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Henderson.

Our Lord, we began here with months ahead of us. We now have but days. As we are caught up in the hustle and bustle, we take this time to pause before You and ask for patience and peace and kindness. May we remember why we are here, and may we never forget the people of the great State of Nevada.

I pray in the Name of the One who gave His life for us all.

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 523, 524, 537, 541, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOYCE WOODHOUSE, *Chair*

Madam President:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 23, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 36, 41, 42, 57, 87, 95, 101, 108, 126, 136, 147, 185, 208, 212, 220, 367, 385, 394, 396; Assembly Bills Nos. 502, 507, 509, 518, 520, 527, 530, 532.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 128, 224, 364.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 7, Amendment No. 816, Senate Bill No. 13, Amendment No. 713; Senate Bill No. 15, Amendment No. 714; Senate Bill No. 33, Amendment No. 735; Senate Bill No. 35, Amendment No. 715; Senate Bill No. 66, Amendment No. 716; Senate Bill No. 67, Amendment No. 797; Senate Bill No. 73, Amendments Nos. 671, 820; Senate Bill No. 131, Amendment No. 779; Senate Bill No. 151, Amendments Nos. 780, 850; Senate Bill No. 203, Amendment No. 811; Senate Bill No. 218, Amendment No. 819; Senate Bill No. 224, Amendment No. 832; Senate Bill No. 267, Amendment No. 783; Senate Bill No. 298, Amendment No. 794; Senate Bill No. 300, Amendment No. 722; Senate Bill No. 320, Amendment No. 784; Senate Bill No. 336, Amendment No. 717; Senate Bill No. 342, Amendment No. 821; Senate Bill No. 350, Amendment No. 785; Senate Bill No. 364, Amendment No. 731; Senate Bill No. 368,

Amendment No. 822; Senate Bill No. 382, Amendment No. 721; Senate Bill No. 395, Amendment No. 775; Senate Bill No. 403, Amendment No. 786; Senate Bill No. 407, Amendment No. 712, and respectfully requests your honorable body to concur in said amendments.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Cannizzaro and Settelmeyer:

Senate Resolution No. 7—Providing for the compensation of the clergy and the coordinator of the clergy for services rendered to the Senate during the 80th Session of the Nevada Legislature.

Senator Cannizzaro moved the adoption of the resolution.

Remarks by Senator Cannizzaro.

Senate Resolution No. 7 provides compensation for the Senate clergy for the 2019 Session. I would like to extend our vote of thanks for their diligent service and being patient with us as we move through these longer agendas and longer waiting periods. They are always giving good words of encouragement to keep us going during these 120 days.

Resolution adopted.

Senator Spearman moved that Assembly Bill No. 175 be taken from the Secretary's desk and placed on the General File on the second Agenda.

Motion carried.

Senator Cannizzaro moved that, for the remainder of the 80th Legislative Session, all necessary rules be suspended, and that the reprinting of all bills and joint resolutions, amended on the General File, and all concurrent and house resolutions, amended on the Resolution File, be dispensed with, that the Secretary be authorized to insert all amendments adopted by the Senate, and that the bill and resolutions be placed back on the appropriate reading files and considered next.

Remarks by Senator Cannizzaro.

This suspension allows bills and joint resolutions amended on the General File and concurrent in House resolutions amended on the Resolution File to be considered for final action by the Senate immediately after the amendment has been adopted.

Motion carried.

Senator Ratti moved that Assembly Bill No. 140 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 128.

Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 224.

Senator Ratti moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

Assembly Bill No. 364.

Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 502.

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

Motion carried.

Assembly Bill No. 507.

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

Motion carried.

Assembly Bill No. 509.

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

Motion carried.

Assembly Bill No. 518.

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

Motion carried.

Assembly Bill No. 520.

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

Motion carried.

Assembly Bill No. 527.

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

Motion carried.

Assembly Bill No. 530.

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

Motion carried.

Assembly Bill No. 532.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 140.

Bill read third time.

The following amendment was proposed by Senator Cannizzaro:

Amendment No. 703.

SUMMARY—Prohibits discrimination against <u>certain</u> persons ~~[with a physical disability]~~ in certain proceedings relating to children. (BDR 11-172)

AN ACT relating to child welfare; prohibiting discrimination against

persons who are deaf, legally blind or otherwise physically disabled or who are the holders of a valid registry identification card for the use of medical marijuana in certain proceedings relating to children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits discrimination on the basis of disability in public accommodation, housing and employment. (NRS 118.100, 613.330, 651.070, 651.075) Sections 1, 2, 4, 5 and 10-12 of this bill prohibit a court from discriminating against a person in a proceeding concerning child custody or visitation, adoption, guardianship or child protection solely because the person seeking custody or visitation, adoption, guardianship or child protection : (1) is deaf, is legally blind or has another physical disability ~~[.]~~ ; or (2) is the holder of a valid registry identification card for the use of medical marijuana.

Section 3 of this bill similarly prohibits an agency which provides child welfare services or a child placing agency from determining that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents : (1) are deaf, are legally blind or have another physical disability ~~[.]~~ ; or (2) are the holders of a valid registry identification card for the use of medical marijuana.

Existing law prohibits an agency which provides child welfare services from taking any action to remove a child from custody of the person responsible for the child's welfare if the agency determines there is no reasonable cause to believe the child is in need of protection. (NRS 432B.370) Existing law also authorizes a court that finds a child to be in need of protection to: (1) allow the child to remain in the custody of the parent or guardian of the child under such conditions as the court may prescribe; or (2) place the child in the custody of another person or certain agencies or institutions authorized to care for children. (NRS 432B.550) Section 10 of this bill provides that a child is not in need of protection solely because a person responsible for the welfare of the child : (1) is deaf, is legally blind or has another physical disability ~~[.]~~ ; or (2) is the holder of a valid registry identification card for the use of medical marijuana.

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

Section 1. Chapter 125C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A court shall not deny custody or visitation rights to a person solely because the person ~~[is]~~ :

(a) Is deaf, is blind or has another physical disability ~~[.]~~ ; or

(b) Is the holder of a valid registry identification card.

2. As used in this section ~~[, "blind"]~~ :

(a) "Blind" has the meaning ascribed to it in NRS 426.082.

(b) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 453A.140 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of marijuana; or

(2) A designated primary caregiver as defined in NRS 453A.080.

Sec. 2. NRS 127.150 is hereby amended to read as follows:

127.150 1. If the court finds that the best interests of the child warrant the granting of the petition, an order or decree of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. When determining whether the best interests of the child warrant the granting of a petition that is filed by a foster parent, the court shall give strong consideration to the emotional bond between the child and the foster parent. A copy of the order or decree must be sent to the nearest office of the agency which provides child welfare services by the petitioners within 7 days after the order or decree is issued. In the decree the court may change the name of the child, if desired.

2. Except as otherwise provided in this subsection, an order or decree of adoption may not be made until after the child has lived for 6 months in the home of the petitioners. This subsection does not apply if one of the petitioners is the stepparent of the child or is related to the child within the third degree of consanguinity.

3. If the court is not satisfied that the proposed adoption is in the best interests of the child, the court shall deny the petition and may order the child returned to the custody of the person or agency legally vested with custody. *The court shall not deny a petition solely because the petitioner ~~[is]~~ :*

(a) Is deaf, is blind or has another physical disability ~~[. As used in this subsection, "blind" has the meaning ascribed to it in NRS 426.082.]~~ ; or

(b) Is the holder of a valid registry identification card.

4. After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the child's best interest.

5. As used in this section:

(a) "Blind" has the meaning ascribed to it in NRS 426.082.

(b) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 453A.140 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of marijuana; or

(2) A designated primary caregiver as defined in NRS 453A.080.

Sec. 3. NRS 127.2817 is hereby amended to read as follows:

127.2817 1. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations setting forth the criteria to be used by an agency which provides child welfare services or a child-placing agency for determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption.

2. Upon the completion of an investigation conducted by an agency which provides child welfare services or a child-placing agency pursuant to NRS 127.120 or 127.2805, the agency which provides child welfare services or child-placing agency shall inform the prospective adoptive parent or parents

of the results of the investigation. If, pursuant to the investigation, a determination is made that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, the agency which provides child welfare services or child-placing agency shall provide the prospective adoptive parent or parents with an opportunity to review and respond to the investigation with the agency which provides child welfare services or child-placing agency before the issuance of the results of the investigation. Except as otherwise provided in NRS 239.0115, the identity of those persons who are interviewed or submit information concerning the investigation must remain confidential.

3. An agency which provides child welfare services or a child placing agency shall not determine that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents ~~[are]~~ :

(a) Are deaf, are blind or have another physical disability ~~[.]~~ ; or

(b) Are the holders of a valid registry identification card.

4. As used in this ~~[subsection, "blind"]~~ section:

(a) "Blind" has the meaning ascribed to it in NRS 426.082.

(b) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 453A.140 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of marijuana; or

(2) A designated primary caregiver as defined in NRS 453A.080.

Sec. 4. NRS 159A.054 is hereby amended to read as follows:

159A.054 1. If the court finds that the proposed protected minor is not in need of a guardian, the court shall dismiss the petition.

2. If the court finds that appointment of a guardian is required, the court shall appoint a guardian of the proposed protected minor's person, estate, or person and estate.

3. The court shall not find that a proposed protected minor is in need of a guardian solely because the person currently responsible for the proposed protected minor ~~[is]~~ :

(a) Is deaf, is blind or has another physical disability ~~[.]~~ ; or

(b) Is the holder of a valid registry identification card.

4. As used in this ~~[subsection, "blind"]~~ section:

(a) "Blind" has the meaning ascribed to it in NRS 426.082.

(b) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 453A.140 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of marijuana; or

(2) A designated primary caregiver as defined in NRS 453A.080.

Sec. 5. NRS 159A.061 is hereby amended to read as follows:

159A.061 1. The parents of a proposed protected minor, or either parent,

if qualified and suitable, are preferred over all others for appointment as guardian for the person or estate or person and estate of the proposed protected minor. The appointment of a parent as guardian for the person or estate of a proposed protected minor must not conflict with a valid order for custody of the proposed protected minor.

2. Except as otherwise provided in subsection 4, if a parent of a proposed protected minor files a petition seeking appointment as guardian for the proposed protected minor, the parent is presumed to be suitable to serve as guardian for the proposed protected minor.

3. In determining whether the parents of a proposed protected minor, or either parent, or any other person who seeks appointment as guardian for the proposed protected minor is qualified and suitable, the court shall consider, if applicable and without limitation:

(a) Which parent has physical custody of the proposed protected minor;

(b) The ability of the parents, parent or other person to provide for the basic needs of the proposed protected minor, including, without limitation, food, shelter, clothing and medical care, taking into consideration any special needs of the proposed protected minor;

(c) Whether the parents, parent or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS;

(d) Whether the parents, parent or other person has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult;

(e) Whether the parents, parent or other person has been convicted in this State or any other jurisdiction of a felony; and

(f) Whether the parents, parent or other person has engaged in one or more acts of domestic violence against the proposed protected minor, a parent of the proposed protected minor or any other person who resides with the proposed protected minor.

4. A parent of a proposed protected minor is presumed to be unsuitable to care for the proposed protected minor if:

(a) The parent is unable to provide for any or all of the basic needs of the proposed protected minor, including, without limitation:

(1) Food;

(2) Shelter;

(3) Clothing;

(4) Medical care; and

(5) Education;

(b) Because of action or inaction, the parent poses a significant safety risk of either physical or emotional danger to the proposed protected minor; or

(c) The proposed protected minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the

petition. The presumption created by this paragraph is a rebuttable presumption.

5. Subject to the preference set forth in subsection 1 and except as otherwise provided in subsection 7, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve.

6. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsections 2, 3 and 4, give consideration, among other factors, to:

(a) Any nomination of a guardian for the proposed protected minor contained in a will or other written instrument executed by a parent of the proposed protected minor.

(b) Any request made by the proposed protected minor, if he or she is 14 years of age or older, for the appointment of a person as guardian for the proposed protected minor.

(c) The relationship by blood or adoption of the proposed guardian to the proposed protected minor. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:

(1) Parent.

(2) Adult sibling.

(3) Grandparent.

(4) Uncle or aunt.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159A.0615.

(e) Any recommendation made by:

(1) An agency which provides child welfare services, an agency which provides child protective services or a similar agency; or

(2) A guardian ad litem or court appointed special advocate who represents the proposed protected minor.

(f) Any request for the appointment of any other interested person that the court deems appropriate.

7. The court may award temporary guardianship pursuant to this section, supported by findings of suitability, pending a trial or evidentiary hearing if that appointment is supported by findings.

8. Notwithstanding the presumption set forth in subsection 4, in the event of competing petitions for the appointment of guardianship of a proposed protected minor, any finding of unsuitability of a parent of the proposed protected minor must be found by clear and convincing evidence after a hearing on the merits or an evidentiary hearing.

9. In determining whether to appoint a guardian of the person or estate of a proposed protected minor and who should be appointed, the court must always act in the best interests of the proposed protected minor.

10. *A court shall not refuse to appoint a person as a guardian of the person or estate of a proposed protected minor solely because the person* ~~*[is]*~~ *:*

(a) Is deaf, is blind or has another physical disability *~~[. As used in this subsection, "blind" has the meaning ascribed to it in NRS 426.082.]~~ ; or*

(b) Is the holder of a valid registry identification card.

11. As used in this section *~~[, "agency]~~ :*

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

(b) "Blind" has the meaning ascribed to it in NRS 426.082.

(c) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 453A.140 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of marijuana; or

(2) A designated primary caregiver as defined in NRS 453A.080.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 432B.330 is hereby amended to read as follows:

432B.330 1. A child is in need of protection if:

(a) The child has been abandoned by a person responsible for the welfare of the child;

(b) The child has been subjected to abuse or neglect by a person responsible for the welfare of the child;

(c) The child is in the care of a person responsible for the welfare of the child and another child has:

(1) Died as a result of abuse or neglect by that person; or

(2) Been subjected to abuse by that person, unless the person has successfully completed a plan for services that was recommended by an agency which provides child welfare services pursuant to NRS 432B.340 to address the abuse of the other child;

(d) The child has been placed for care or adoption in violation of law; or

(e) The child has been delivered to a provider of emergency services pursuant to NRS 432B.630.

2. A child may be in need of protection if the person responsible for the welfare of the child:

(a) Is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity;

(b) Fails, although the person is financially able to do so or has been offered financial or other means to do so, to provide for the following needs of the child:

(1) Food, clothing or shelter necessary for the child's health or safety;

(2) Education as required by law; or

(3) Adequate medical care;

(c) Has been responsible for the neglect of a child who has resided with that person; or

(d) Has been responsible for the abuse of another child regardless of whether that person has successfully completed a plan for services that was recommended by an agency which provides child welfare services pursuant to NRS 432B.340 to address the abuse of the other child.

3. A child may be in need of protection if the death of a parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.

4. A child may be in need of protection if the child is identified as being affected by a fetal alcohol spectrum disorder or prenatal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure.

5. *A child is not in need of protection solely because the person responsible for the welfare of the child* ~~[is]~~ *:*

(a) Is deaf, is blind, as defined in NRS 426.082, or has another physical disability ~~[.]~~ *; or*

(b) Is the holder of a valid registry identification card. As used in this paragraph, "holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 453A.140 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of marijuana; or

(2) A designated primary caregiver as defined in NRS 453A.080.

6. As used in this section:

(a) "Abuse" means:

(1) Physical or mental injury of a nonaccidental nature; or

(2) Sexual abuse or sexual exploitation,

➥ of a child caused or allowed by a person responsible for the welfare of the child under circumstances which indicate that the child's health or welfare is harmed or threatened with harm. The term does not include the actions described in subsection 2 of NRS 432B.020.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected.

(c) "Neglect" means abandonment or failure to:

(1) Provide for the needs of a child set forth in paragraph (b) of subsection 2; or

(2) Provide proper care, control and supervision of a child as necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

➥ The term does not include the actions described in subsection 2 of NRS 432B.020.

Sec. 11. NRS 432B.480 is hereby amended to read as follows:

432B.480 1. At each hearing conducted pursuant to NRS 432B.470:

(a) At the commencement of the hearing, the court shall advise the parties of their right to be represented by an attorney and of their right to present evidence.

(b) The court shall determine whether there is reasonable cause to believe that it would be:

(1) Contrary to the welfare of the child for the child to reside at his or her home; or

(2) In the best interests of the child to place the child outside of his or her home.

➥ The court shall prepare an explicit statement of the facts upon which each of its determinations is based. *The court shall not make an affirmative finding regarding either subparagraph (1) or (2) solely because the person responsible for the welfare of the child is deaf, is blind, as defined in NRS 426.082, or has another physical disability* ~~[.]~~ *or is the holder of a valid registry identification card.* If the court makes an affirmative finding regarding either subparagraph (1) or (2), the court shall issue an order keeping the child in protective custody pending a disposition by the court.

(c) The court shall determine whether the child has been placed in a home or facility that complies with the requirements of NRS 432B.3905. If the placement does not comply with the requirements of NRS 432B.3905, the court shall establish a plan with the agency which provides child welfare services for the prompt transfer of the child into a home or facility that complies with the requirements of NRS 432B.3905.

2. If the court issues an order keeping the child in protective custody pending a disposition by the court and it is in the best interests of the child, the court may:

(a) Place the child in the temporary custody of a grandparent, great-grandparent or other person related within the fifth degree of consanguinity to the child who the court finds has established a meaningful relationship with the child, with or without supervision upon such conditions as the court prescribes, regardless of whether the relative resides within this State; or

(b) Grant the grandparent, great-grandparent or other person related within the fifth degree of consanguinity to the child a reasonable right to visit the child while the child is in protective custody.

3. If the court finds that the best interests of the child do not require that the child remain in protective custody, the court shall order the immediate release of the child.

4. If a child is placed with any person who resides outside this State, the placement must be in accordance with NRS 127.330.

5. As used in this section, "holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 453A.140 that identifies the person as:

(a) Exempt from state prosecution for engaging in the medical use of marijuana; or

(b) A designated primary caregiver as defined in NRS 453A.080.

Sec. 12. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

(a) Permit the child to remain in the temporary or permanent custody of the parents of the child or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(b) Place the child in the temporary or permanent custody of a relative, a fictive kin or other person the court finds suitable to receive and care for the child with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; or

(c) Place the child in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the Department of Health and Human Services or a county whose population is 100,000 or more to care for such a child.

➥ In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of chapter 159A of NRS, consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.

2. *The court shall not deny placement of a child in the temporary or permanent custody of a person pursuant to subsection 1 solely because the person* ~~*[is]*~~ *:*

(a) Is deaf, is blind or has another physical disability ~~*[. As used in this subsection, "blind" has the meaning ascribed to it in NRS 426.082.]*~~ *; or*

(b) Is the holder of a valid registry identification card.

3. If, pursuant to subsection 1, a child is placed other than with a parent:

(a) The parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of the rights of the parent.

(b) The court shall set forth good cause why the child was placed other than with a parent.

~~[3.]~~ *4.* If, pursuant to subsection 1, the child is to be placed with a relative or fictive kin, the court may consider, among other factors, whether the child has resided with a particular relative or fictive kin for 3 years or more before the incident which brought the child to the court's attention.

~~[4.]~~ *5.* Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child welfare services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630:

(a) The parent who delivered the child to the provider shall be deemed to have waived his or her right to a copy of the report; and

(b) A copy of the report must be sent to the parent who did not deliver the child to the provider, if the location of such parent is known.

~~[5.]~~ *6.* In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of the parents of the child or guardian:

(a) It must be presumed to be in the best interests of the child to be placed together with the siblings of the child.

(b) Preference must be given to placing the child in the following order:

(1) With any person related within the fifth degree of consanguinity to the child or a fictive kin, and who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative or fictive kin resides within this State.

(2) In a foster home that is licensed pursuant to chapter 424 of NRS.

~~[6.]~~ *7.* Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child outside of the home of the child. If a child is placed with any person who resides outside of this State, the placement must be in accordance with NRS 127.330.

~~[7.]~~ *8.* Within 60 days after the removal of a child from the home of the child, the court shall:

(a) Determine whether:

(1) The agency which provides child welfare services has made the reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case; and

(b) Prepare an explicit statement of the facts upon which its determination is based.

~~[8.]~~ *9.* As used in this section ~~[, "fictive]~~ *:*

(a) "Blind" has the meaning ascribed to it in NRS 426.082.

(b) "Fictive kin" means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

(c) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 453A.140 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of marijuana; or

(2) A designated primary caregiver as defined in NRS 453A.080.

Sec. 13. This act becomes effective on July 1, 2019.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 703 to Assembly Bill No. 140 adds to the list of persons who would not be automatically encountered by Child Protective Services and related agencies to the individuals who are holders of a valid, registry identification card for the use of medical marijuana.

Conflict of interest declared by Senator Ohrenschall.

Amendment adopted.
Bill read third time.
Remarks by Senators Hammond and Cannizzaro.

SENATOR HAMMOND:
Assembly Bill No. 140 prohibits a court from discriminating against a person in a proceeding concerning child custody, visitation, adoption, guardianship or child protection solely because the person seeking custody or visitation, adoption, guardianship or child protection is deaf, legally blind or has another physical disability. In addition, the measure similarly prohibits an agency that provides child welfare services or a child placing agency from determining that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents are deaf, legally blind or have another physical disability. Lastly, the measure clarifies that a child is not in need of protection solely because a person responsible for the welfare of the child is deaf, legally blind or has another physical disability.

SENATOR CANNIZZARO.
Although we just heard the amendment to Assembly Bill No. 140, I want to reiterate, for the same purposes, this includes valid holders of a medical-marijuana card.

Conflict of interest declared by Senator Ohrenschall.

Roll call on Assembly Bill No. 140:
YEAS—20.
NAYS—None.
NOT VOTING—Ohrenschall.

Assembly Bill No. 140 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 130.
Bill read third time.
Remarks by Senator Woodhouse.
Senate Bill No. 130 provides for the licensure and regulation of persons engaged in radiation therapy and radiological imaging by the State Board of Health of the Division of Public and Behavioral Health of the Department of Health and Human Services. The bill requires the Board to adopt regulations for the licensing of persons including the ability to establish fees for the issuance and renewal of a license or limited license to engage in radiation therapy and radiological imaging.

Senate Bill No. 130 also makes it a misdemeanor to engage in radiation therapy and radiologic imaging, or other activity for which a credential is required, without the proper credential. The bill adds exclusions for dental and veterinarian professionals as well as individuals who are already certified to operate a radiation machine for mammography. Senate Bill No. 130 authorizes the Division of Public and Behavioral Health to issue a license or a limited license to individuals performing radiation therapy or radiological imaging as part of their employment on or before January 2, 2020, and removes the provision prohibiting the payment of a fee for that license.

Senate Bill No. 130 also creates the Radiation Therapy and Radiological Imaging Advisory Committee to make recommendations regarding the regulation of the practice of radiation therapy and radiological imaging.

Provisions of Senate Bill No. 130 that provide for the licensure and regulation of persons engaged in radiation therapy and radiological imaging are effective upon passage and approval

for the purposes of adopting regulations and performing other administrative tasks; and on January 1, 2020, for all other purposes.

I would like to add to the record this is a measure we brought to the Nevada Legislature in the 79th Session. The bill needed a tremendous amount of work, and I want to commend all of the individuals who supported this effort and worked diligently over the interim, as well as this entire Legislative Session, to bring this much needed bill to us. I urge your support.

Roll call on Senate Bill No. 130:

YEAS—21.

NAYS—None.

Senate Bill No. 130 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 314.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 314 establishes a State Seal of Financial Literacy for pupils who graduate from a public high school and the State Financial Literacy Advisory Council. The bill further requires the Department of Education to establish a Financial Literacy month and conduct certain activities, to the extent that funding is available for that purpose. Senate Bill No. 314 requires the governing body of each regional professional development training program to provide, to the extent that money is available, training and professional development for teachers who obtain an endorsement to teach courses in financial literacy and coordinate with the department to provide an annual Financial Literacy summit. The bill requires that if a program of study offered by the Nevada System of Higher Education to obtain an endorsement to teach courses relating to financial literacy is offered, it must include certain requirements. Lastly, the bill authorizes students to apply for certain scholarships to offset the cost of the program of study.

The appropriations needed in order to accomplish Senate Bill No. 314 have been included in the budget.

Roll call on Senate Bill No. 314:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Senate Bill No. 363.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 363 directs the Legislative Committee on Health Care during the 2019-2021 Interim to study, first, stem-cell centers in different states and countries to determine the best practices for operating such a center. Second, the services that stem-cell centers provide and the value that such centers bring to the country, state or community in which the center is located. And, three, the best placement for a stem-cell center in this State, including, without limitation, whether a stem-cell center should be established as part of a State agency as a program within the Nevada System of Higher Education or as a public or private nonprofit entity.

The Legislative Committee on Health Care is required to submit its findings and any recommendations for legislation on or before September 1, 2020, to the Governor and the Director of the Legislative Counsel Bureau for submission to the 81st Session of the Legislature.

Roll call on Senate Bill No. 363:
YEAS—20.
NAYS—Kieckhefer.

Senate Bill No. 363 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 504.
Bill read third time.
Remarks by Senator Woodhouse.
Senate Bill No. 504 appropriates $5 million from the State General Fund to the Governor's Office of Finance to fund the cost of outreach and educational activities to be conducted to increase the number of Nevada residents who respond to the 2020 federal decennial census.

Roll call on Senate Bill No. 504:
YEAS—21.
NAYS—None.

Senate Bill No. 504 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 508.
Bill read third time.
Remarks by Senator Denis.
Senate Bill No. 508 appropriates $205,183 from the State General Fund to the Department of Conservation and Natural Resources' administration for the replacement of information technology infrastructure. The bill requires that any remaining balance of the appropriations must not be committed for expenditure after June 30, 2021, and any remaining balance must revert to the State General Fund on or before September 17, 2021.

Roll call on Senate Bill No. 508:
YEAS—21.
NAYS—None.

Senate Bill No. 508 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 509.
Bill read third time.
Remarks by Senator Goicoechea.
Senate Bill No. 509 appropriates $275,465 from the State General Fund to the Department of Conservation and Natural Resources, Division of Water Resources, for the replacement of vehicles and computer hardware and software. The bill requires that any remaining balance of the appropriations must not be committed for expenditure after June 30, 2021, and any remaining balance must revert to the State General Fund on or before September 17, 2021. They need equipment in order to provide important data.

Roll call on Senate Bill No. 509:
YEAS—21.
NAYS—None.

Senate Bill No. 509 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 511.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 511 makes General Fund appropriations totaling $243,345 to the Department of Corrections to fund the following projects: $49,294 for the replacement of roof hatches at the High Desert State Prison; $80,000 for bathroom flooring and plumbing repairs at the Humboldt Conservation Camp; $18,482 for replacement of a sewer chopper pump at the Lovelock Correctional Center; $25,000 for the repair of a sewer grinder at the Southern Desert Correctional Center; and, finally, $70,569 to the Department of Corrections for replacement of floors and fixtures at the Tonopah Conversation Camp.

Roll call on Senate Bill No. 511:

YEAS—21.

NAYS—None.

Senate Bill No. 511 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 544.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 544 creates the Patient Protection Commission to systematically review issues related to the health-care needs of Nevada residents and the accessibility, affordability and quality of health care. The Commission must attempt to identify and facilitate collaboration between existing State governmental entities that study or address these issues; coordinate such entities to reduce duplication and submit a report to the Governor and the Legislature twice each year. The Governor must appoint an Executive Director of the Commission to perform certain duties, access certain information and hire additional employees. The bill outlines Commission membership, appointment and procedures, and it authorizes the Commission to request the drafting of not more than three legislative measures for each regular Session.

Roll call on Senate Bill No. 544:

YEAS—21.

NAYS—None.

Senate Bill No. 544 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved to consider the Senate's second Agenda as the next order of business.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 523.

Bill read second time and ordered to third reading.

Senate Bill No. 524.
Bill read second time and ordered to third reading.

Senate Bill No. 537.
Bill read second time and ordered to third reading.

Senate Bill No. 541.
Bill read second time and ordered to third reading.

Assembly Bill No. 151.
Bill read second time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 890.
SUMMARY—Provides for the protection of children who are victims of commercial sexual exploitation. (BDR 38-457)
AN ACT relating to public welfare; requiring certain persons to report the commercial sexual exploitation of a child to an agency which provides child welfare services; requiring all persons to report the commercial sexual exploitation of a child to a law enforcement agency in certain circumstances; authorizing a fee for certain costs relating to information maintained by an agency which provides child welfare services; requiring an agency which provides child welfare services to adopt certain rules, policies or regulations; providing penalties; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law requires certain persons who, in their professional or occupational capacity, know or have reasonable cause to believe that a child has been abused or neglected to report the abuse or neglect to an agency which provides child welfare services or a law enforcement agency. (NRS 432B.220) Section 12 of this bill requires any such person who is required to report the abuse or neglect of a child and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child is a commercially sexually exploited child, to report the commercial sexual exploitation to an agency which provides child welfare services as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child is a commercially sexually exploited child. Section 12 provides that any person who knowingly and willfully violates such a requirement is guilty of a misdemeanor for the first violation and a gross misdemeanor for each subsequent violation. Section 12 also requires any person who knows or has reasonable cause to believe that a child is a commercially sexually exploited child to immediately contact a law enforcement agency if an alleged perpetrator of the commercial sexual exploitation is or is alleged to be present with the child, or the child is otherwise in imminent danger to report the commercial sexual exploitation of the child.

The Nevada Rules of Professional Conduct generally prohibit an attorney from revealing information relating to the representation of a client unless the client consents to the disclosure or the disclosure is impliedly authorized to carry out the representation. However, the Rules require an attorney to reveal such information to the extent the attorney reasonably believes necessary to prevent a criminal act that is likely to result in reasonably certain death or substantial bodily harm. Additionally, the Rules authorize an attorney to reveal such information in certain other circumstances. (RPC 1.6) The Restatement (Third) of the Law Governing Lawyers states that serious bodily harm includes the consequences of child sexual abuse. (Restatement (Third) of the Law Governing Lawyers § 66 cmt. c (2000)) Section 12.5 of this bill: (1) prohibits an attorney from making a report pursuant to section 12 when prohibited by the Nevada Rules of Professional Conduct; and (2) requires an attorney to make a report pursuant to section 12 when necessary to prevent further sex trafficking or sexual abuse of a child and in other circumstances when such reporting is authorized by the Nevada Rules of Professional Conduct.

Section 13 of this bill requires an agency which provides child welfare services, upon receiving a report concerning the commercial sexual exploitation of a child, to: (1) conduct an initial screening; and (2) report the commercial sexual exploitation to the appropriate law enforcement agency. Section 13 additionally authorizes such an agency to: (1) if the child resides in another jurisdiction, initiate contact with an agency which provides child welfare services in that jurisdiction; and (2) conduct an assessment relating to abuse or neglect of the child. Section 13 further sets forth the actions that an agency which provides child welfare services is authorized to take if no abuse or neglect of the child is identified.

Section 14 of this bill provides that information maintained pursuant to sections 2-15 of this bill by an agency which provides child welfare services is confidential and any person who willfully releases or disseminates such information, except in certain authorized circumstances, is guilty of a misdemeanor.

Section 15 of this bill establishes provisions relating to the authorized release of information maintained pursuant to sections 2-15 by an agency which provides child welfare services. Section 15 generally provides that any person to whom such information is provided who further disseminates the information or makes the information public is guilty of a gross misdemeanor. Section 15 also: (1) authorizes an agency which provides child welfare services to charge a fee for processing costs necessary to prepare such information for authorized release; and (2) requires an agency which provides child welfare services to adopt rules, policies or regulations to carry out the provisions of law relating to the authorized release of such information.

Existing law provides that if a person reports to a law enforcement agency that another person has committed a violent or sexual offense against a child, and the violent or sexual offense would constitute abuse or neglect of a child, the report shall be deemed to be a report of the abuse or neglect of the child

that is required by law. (NRS 202.894) Section 16 of this bill provides that if the sexual or violent offense would constitute the commercial sexual exploitation of a child, the report shall be deemed to be a report of the commercial sexual exploitation of a child that is required by section 12.

Sections 18 and 19 of this bill make certain provisions of law that apply to the duty of certain professionals to report the abuse or neglect of a child also apply to the duty of such professionals to report the commercial sexual exploitation of a child pursuant to section 12.

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

Section 1. Title 38 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Agency which provides child welfare services" means:*

1. In a county whose population is less than 100,000, the local office of the Division of Child and Family Services of the Department of Health and Human Services; or

2. In a county whose population is 100,000 or more, the agency of the county,

➥ *which provides or arranges for necessary child welfare services.*

Sec. 4. *"Child" means a person under the age of 18 years.*

Sec. 5. *"Child welfare services" has the meaning ascribed to it in NRS 432B.044.*

Sec. 6. *"Commercial sexual exploitation" means the sex trafficking of a child in violation of NRS 201.300 or the sexual abuse or sexual exploitation of a child for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.*

Sec. 7. *"Commercially sexually exploited child" means any child who is sex trafficked in violation of NRS 201.300, sexually abused or sexually exploited for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.*

Sec. 8. *"Information maintained by an agency which provides child welfare services" means data or information concerning reports and assessments made pursuant to this chapter, including, without limitation, the name, address, date of birth, social security number and image or likeness of any child, family member of any child and reporting party or source, whether primary or collateral.*

Sec. 9. *"Sexual abuse" has the meaning ascribed to it in NRS 432B.100.*

Sec. 10. *"Sexual exploitation" has the meaning ascribed to it in NRS 432B.110.*

Sec. 11. *For the purposes of this chapter, a person:*

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

2. Acts "as soon as reasonably practicable" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

Sec. 12. *1. Except as otherwise provided in subsection 2 ~~[,]~~ and section 12.5 of this act, any person who knows or has reasonable cause to believe that a child is a commercially sexually exploited child may report the commercial sexual exploitation of the child to an agency which provides child welfare services.*

2. ~~[Any]~~ Except as otherwise provided in section 12.5 of this act, any person who is required to make a report pursuant to NRS 432B.220 and who, in his or her professional capacity, knows or has reasonable cause to believe that a child is a commercially sexually exploited child shall:

(a) Report the commercial sexual exploitation of the child to an agency which provides child welfare services; and

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

3. If an alleged perpetrator of the commercial sexual exploitation of a child is or is alleged to be present with the child, or if the child is otherwise in imminent danger, any person who knows or has reasonable cause to believe that a child is a commercially sexually exploited child, including, without limitation, a person who is required to make a report pursuant to NRS 432B.220 shall immediately contact a law enforcement agency to report the commercial sexual exploitation of the child. Failure to make such a report is a misdemeanor.

4. Any person who knowingly and willfully violates the provisions of subsection 2 is guilty of:

(a) For the first violation, a misdemeanor.

(b) For each subsequent violation, a gross misdemeanor.

Sec. 12.5. 1. An attorney shall not make a report of the commercial sexual exploitation of a child if such reporting conflicts with the ethical duties of attorneys as set forth in the Nevada Rules of Professional Conduct.

2. Nothing in this section shall be construed as relieving an attorney from the duty to report the commercial sexual exploitation of a child pursuant to section 12 of this act:

(a) To the extent the attorney reasonably believes necessary to prevent the further sex trafficking or sexual abuse of the child; or

(b) In any other circumstance for which such a report is authorized by the Nevada Rules of Professional Conduct.

Sec. 13. *1. Upon the receipt of a report pursuant to section 12 of this act, an agency which provides child welfare services:*

(a) Shall conduct an initial screening to determine whether there is reasonable cause to believe that the child is a victim of commercial sexual exploitation;

(b) Shall make a report to the appropriate law enforcement agency for the purpose of identifying the perpetrator of the commercial sexual exploitation;

(c) If the child resides in another jurisdiction, may initiate contact with an agency which provides child welfare services in the jurisdiction in which the child resides to provide notification of the circumstances surrounding the child's removal from the jurisdiction or placement in another location; and

(d) May conduct an assessment pursuant to chapter 432B of NRS.

2. If an agency which provides child welfare services conducts an assessment pursuant to chapter 432B of NRS and no abuse or neglect of a child is identified, the agency may:

(a) Conduct an assessment of the family of the child to determine which services, if any, the family needs or refer the family to a person or an organization that has entered into a written agreement with the agency to make such an assessment; and

(b) If appropriate, provide to the child and his or her family counseling, training or other services relating to commercial sexual exploitation or refer the child and his or her family to a person or an organization that has entered into an agreement with the agency to provide those services.

3. If an agency which provides child welfare services has entered into an agreement with a person or an organization to provide services to a child or his or her family and the person or organization will provide such services pursuant to subsection 2, the agency shall require the person or organization to notify the agency if:

(a) The child or his or her family refuses or fails to participate in such services; or

(b) The person or organization determines that there is a serious risk to the health or safety of the child.

4. As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020.

Sec. 14. *1. Except as otherwise provided in NRS 239.0115 and 439.538 and except as otherwise authorized or required pursuant to section 15 of this act, information maintained by an agency which provides child welfare services, including, without limitation, reports and assessments made pursuant to this chapter, is confidential.*

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

(a) Pursuant to a criminal prosecution relating to the commercial sexual exploitation of a child;

(b) As otherwise authorized or required pursuant to section 15 of this act; or

(c) As otherwise authorized or required pursuant to NRS 439.538,

➥ *is guilty of a misdemeanor.*

Sec. 15. *1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.*

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

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe is a commercially sexually exploited child;

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

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

(1) The child; or

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

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

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

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

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

(h) ~~*[A]*~~ *Except as otherwise provided in subsection 4, a federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from commercial sexual exploitation;*

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

(j) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the commercial sexual exploitation of the child to a public agency is kept

confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

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

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

3. Before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports that a child is a commercially sexually exploited child and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged commercial sexual exploitation of a child or the life or safety of any person.

4. An agency which provides child welfare services shall not provide information maintained by the agency which provides child welfare services to a juvenile court only to facilitate a determination by the court related to the adjudication of a child who is accused of:

(a) Sex trafficking a child in violation of NRS 201.300; or

(b) Facilitating sex trafficking of a child in violation of NRS 201.301.

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

~~*[5.]*~~ *6. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.*

~~*[6.]*~~ *7. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.*

~~*[7.]*~~ *8. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to a district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings against any*

person alleged to be the perpetrator of the commercial sexual exploitation of a child.

~~*[8.]*~~ *9. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.*

~~*[9.]*~~ *10. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.*

~~*[10.]*~~ *11. As used in this section, "parent" has the meaning ascribed to it in NRS 432B.080.*

Sec. 16. NRS 202.894 is hereby amended to read as follows:

202.894 If a person reports to a law enforcement agency that another person has committed a violent or sexual offense against a child, whether or not the person is required to make such a report pursuant to NRS 202.882, and the violent or sexual offense against the child would constitute abuse or neglect of a child, as defined in NRS 432B.020, *or the commercial sexual exploitation, as defined in section 6 of this act, of a child,* the report made by the person shall be deemed to be a report of the abuse or neglect of the child that has been made pursuant to NRS 432B.220 *or a report of the commercial sexual exploitation of a child that has been made pursuant to section 12 of this act, as applicable,* and:

1. The appropriate agencies shall act upon the report pursuant to chapter 432B of NRS ~~[,]~~ *or sections 2 to 15, inclusive, of this act, as applicable;* and

2. The report may be used in the same manner as other reports that are made pursuant to NRS 432B.220 ~~[.]~~ *or section 12 of this act.*

Sec. 17. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007,

241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480,

693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and sections 14 and 15 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 18. NRS 629.550 is hereby amended to read as follows:

629.550 1. If a patient communicates to a mental health professional an explicit threat of imminent serious physical harm or death to a clearly identified or identifiable person and, in the judgment of the mental health professional, the patient has the intent and ability to carry out the threat, the mental health professional shall apply for the emergency admission of the patient to a mental health facility pursuant to NRS 433A.160 or make a reasonable effort to communicate the threat in a timely manner to:

(a) The person who is the subject of the threat;

(b) The law enforcement agency with the closest physical location to the residence of the person; and

(c) If the person is a minor, the parent or guardian of the person.

2. A mental health professional shall be deemed to have made a reasonable effort to communicate a threat pursuant to subsection 1 if:

(a) The mental health professional actually communicates the threat in a timely manner; or

(b) The mental health professional makes a good faith attempt to communicate the threat in a timely manner and the failure to actually communicate the threat in a timely manner does not result from the negligence or recklessness of the mental health professional.

3. A mental health professional who exercises reasonable care in determining that he or she:

(a) Has a duty to take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information.

(b) Does not have a duty to take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any damages caused by the actions of a patient.

4. The provisions of this section do not:

(a) Limit or affect the duty of the mental health professional to report child abuse or neglect pursuant to NRS 432B.220 ~~[;]~~ *or the commercial sexual exploitation of a child pursuant to section 12 of this act;* or

(b) Modify any duty of a mental health professional to take precautions to prevent harm by a patient:

(1) Who is in the custody of a hospital or other facility where the mental health professional is employed; or

(2) Who is being discharged from such a facility.

5. As used in this section, "mental health professional" includes:

(a) A physician or psychiatrist licensed to practice medicine in this State pursuant to chapter 630 or 633 of NRS;

(b) A psychologist who is licensed to practice psychology pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

(c) A social worker who:

(1) Holds a master's degree in social work;

(2) Is licensed as a clinical social worker pursuant to chapter 641B of NRS; and

(3) Is employed by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(d) A registered nurse who:

(1) Is licensed to practice professional nursing pursuant to chapter 632 of NRS; and

(2) Holds a master's degree in psychiatric nursing or a related field;

(e) A marriage and family therapist licensed pursuant to chapter 641A of NRS;

(f) A clinical professional counselor licensed pursuant to chapter 641A of NRS; and

(g) A person who is working in this State within the scope of his or her employment by the Federal Government, including, without limitation, employment with the Department of Veterans Affairs, the military or the Indian Health Service, and is:

(1) Licensed or certified as a physician, psychologist, marriage and family therapist, clinical professional counselor, alcohol and drug abuse counselor or clinical alcohol and drug abuse counselor in another state;

(2) Licensed as a social worker in another state and holds a master's degree in social work; or

(3) Licensed to practice professional nursing in another state and holds a master's degree in psychiatric nursing or a related field.

Sec. 19. NRS 640B.700 is hereby amended to read as follows:

640B.700 1. The Board may refuse to issue a license to an applicant or may take disciplinary action against a licensee if, after notice and a hearing as required by law, the Board determines that the applicant or licensee:

(a) Has submitted false or misleading information to the Board or any agency of this State, any other state, the Federal Government or the District of Columbia;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto;

(c) Has been convicted of a felony, a crime relating to a controlled substance or a crime involving moral turpitude;

(d) Is addicted to alcohol or any controlled substance;

(e) Has violated the provisions of NRS 200.5093, 200.50935 or 432B.220 ~~[;]~~ *or section 12 of this act;*

(f) Is guilty of gross negligence in his or her practice as an athletic trainer;

(g) Is not competent to engage in the practice of athletic training;

(h) Has failed to provide information requested by the Board within 60 days after receiving the request;

(i) Has engaged in unethical or unprofessional conduct as it relates to the practice of athletic training;

(j) Has been disciplined in another state, a territory or possession of the United States, or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;

(k) Has solicited or received compensation for services that he or she did not provide;

(l) If the licensee is on probation, has violated the terms of the probation;

(m) Has terminated professional services to a client in a manner that detrimentally affected that client; or

(n) Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. The Board may, if it determines that an applicant for a license or a licensee has committed any of the acts set forth in subsection 1, after notice and a hearing as required by law:

(a) Refuse to issue a license to the applicant;

(b) Refuse to renew or restore the license of the licensee;

(c) Suspend or revoke the license of the licensee;

(d) Place the licensee on probation;

(e) Impose an administrative fine of not more than $5,000;

(f) Require the applicant or licensee to pay the costs incurred by the Board to conduct the investigation and hearing; or

(g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.

3. The Board shall not issue a private reprimand to a licensee.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Senator Ratti moved the adoption of the amendment.

Remarks by Senators Ratti and Kieckhefer.

SENATOR RATTI:

Amendment No. 890 to Assembly Bill No. 151 prohibits an attorney from reporting the commercial sexual exploitation of a child if such reporting conflicts with the ethical duties of attorneys as set forth in the Nevada Rules of Professional Conduct. It clarifies the provisions just mentioned shall not be construed as relieving an attorney from the duty to report commercial sexual exploitation of a child as required by the bill, to the extent the attorney reasonably believes necessary to prevent the further sex trafficking or sexual abuse of the child, or in any other circumstance for which such a report is authorized by the Nevada Rules of Professional Conduct.

In addition, the amendment prohibits child-welfare agencies from providing certain information to a juvenile court only to facilitate a court determination related to the adjudication of a child who is accused of sex trafficking or facilitating sex trafficking of another child.

SENATOR KIECKHEFER:

I am trying to understand section 12.5, subsection 1, of the amendment to Assembly Bill No. 151. I do not know the professional rules or the Nevada Rules of Professional Conduct for attorneys in this area. It makes me nervous to pass a law that says we are not requiring people to make reports regarding the sexual exploitation of a child. Please help me out.

SENATOR RATTI:

You are expressing the same concern expressed by another member of the Health and Human Services Committee. This instigated an interesting process to learn how the Rules of Professional Conduct work. What this bill does is extend mandatory reporting requirements. Mandatory reporting requirements only apply to people who have the welfare of the child as a responsibility. In cases of child sexual exploitation, this expands that responsibility to everybody whether we have the welfare of that child as a responsibility or not. It expands the requirements so that if any person sees something, they are required to report it.

That brought up a concern for attorneys, specifically defense attorneys who are representing the person who has been or may be accused of a crime in that situation. The Rules of Professional Conduct and constitutional rights of folks in the criminal justice system to have confidentiality with their attorney came into question. We had our Legal Counsel look into that. In the Rules of Professional Conduct, it says an attorney has to report if he or she has any reason to believe further harm is imminent or going to happen, but that was limited in scope to only bodily harm or murder.

Our Legal Counsel did more research and found there is a treatise which redefines these rules. This treatise has extended that definition to specifically include the sexual assault of a child. We are navigating the balance between making sure we are protecting our children and making sure that we are respecting the constitutional right to defense and the privilege between an attorney and client. This bill says an attorney, if they have any reason to believe there is future harm that is going to happen to this child, is required to report. The amendment goes farther to state this in *Nevada Revised Statutes*.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 175.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 175 makes various changes to provisions governing environmental health specialists including changing the name of the Board of Registered Environmental Health Specialists to the Board of Environmental Health Specialists. The bill revises the powers, duties and organizational structure of the Board and establishes a new schedule of fees that may be charged by the Board. In addition, Assembly Bill No. 175 revises requirements for registration to engage in the practice of environmental health and provides for provisional and temporary registration of certain environmental health specialists and environmental health specialist trainees. The bill also revises the scope of practice for environmental health specialists and, except for provisions prohibiting the use of certain titles, abbreviations and letters, excludes certain persons and practices from the registration requirements and disciplinary provisions governing registered environmental health specialists and trainees.

Roll call on Assembly Bill No. 175:

YEAS—19.

NAYS—Hardy, Settelmeyer—2.

Assembly Bill No. 175 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 2:40 p.m.

SENATE IN SESSION

At 6:19 p.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti moved that Assembly Bills Nos. 73, 242, 244, 303 be taken from the Secretary's desk and placed at the bottom of the General File.

Motion carried.

Senator Ratti moved that Assembly Bills Nos. 205, 282, 336, 353, 422, 492 be taken from the General File and placed on the General File, last Agenda.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 15.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 15 provides that any person who causes to be prepared or delivered to another person any document that simulates a summons, complaint, judgment, order or other legal document for certain purposes is guilty of a category D felony. This measure also revises provisions governing crimes related to certain financial transactions including those involving virtual currency and property. Each violation involving one or more monetary instruments, financial transactions or property valued at $5,000 or more is a separate offense and is punishable as a category C felony.

Lastly, the measure provides that these prohibitions concerning certain financial transactions must not be construed to prohibit any financial transaction relating to the medical use of marijuana or the regulation or taxation of marijuana.

Roll call on Assembly Bill No. 15:

YEAS—21.

NAYS—None.

Assembly Bill No. 15 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 50.

Bill read third time.

Remarks by Senators Ohrenschall, Pickard and Hardy.

SENATOR OHRENSCHALL:

Assembly Bill No. 50 requires cities to hold municipal elections on the Statewide election cycle in even-numbered years beginning in 2022. Terms of office are revised to allow for the transition to the Statewide election cycle. The measure also revises the dates for filing declarations of candidacy and other election-related activities to conform to these changes.

The bill amends provisions for cities incorporated under general law and the charter of each city that holds municipal elections in odd-numbered years to require the cities to hold primary and general city elections on the same dates as the Statewide elections. Specific revisions enable Boulder City to complete its current transition under its 2018 ordinance to city elections in even-numbered years.

Finally, the measure clarifies that the candidate filing period for judicial candidates for municipal courts occurs in January in cities holding elections currently during odd-numbered years, as well as for those cities that will transition to elections held in even-numbered years.

SENATOR PICKARD:

I reluctantly rise in opposition to Assembly Bill No. 50 not because I think it is a mistake to look at economies of scale and try to find opportunities to reduce costs which this bill purportedly will do but because the emphasis or the impetus of this bill is to increase voter participation. This bill will work against that to the extent. As an example, in this next election, Clark County will have between 60-80 judges added to the ballot. This means we will have more than 100 people on my district's ballot. With the large number of people running and the amount of mail and campaign material voters will get, people will be driven away from voting. If our goal is to increase voter turnout, there are other ways of doing this. Moving all elections to the same time will be counterproductive, so I will be voting "no".

SENATOR HARDY:

I, too, am opposed to Assembly Bill No. 50. When a city election is by itself and for itself, a voter has time to digest the issues on the ballot and focus on the people who are running. Some people get voter fatigue as they go down the ballot and do not vote at the end. I am opposed to this bill.

SENATOR OHRENSCHALL:

All you have to do is look at the historical data for municipal elections. Look at this year's municipal elections in the county we hail from or at past municipal elections, and you can see participation and turnout is sad and abysmal. This bill will increase participation and turnout. Many cities have chosen to make this move. In the past Legislative Session, it was made optional for the municipalities and some went forward and made this change. This will increase turnout and participation and help more people be involved in picking their municipal representatives. I urge its passage.

SENATOR PICKARD:

I appreciate my colleague's comments, my colleague from Senate District 21, and I would agree with almost everything he said. Participation in our municipal elections has been abysmal, even in my city of Henderson, but the examples of cities that elected to move to the same ballot year were small cities. For example, Mesquite moved to the same-year, even-year elections and found voter participation improved, but we are talking about a small fraction of the State voters involved. The size of their ballot is quite small. The city of Henderson had the opportunity to move to a same-year ballot and elected not to, presumably, for the reasons we have discussed today. This decision should be left in the hands of the cities based on input from their constituents; let them move it if they chose. We should not force this upon them and thus force upon our constituents a massive ballot like my colleague from District 12 mentioned can lead to voter fatigue and work against the intent of the bill. I urge my colleagues to vote "no" on this bill.

Roll call on Assembly Bill No. 50:

YEAS—18.

NAYS—Hammond, Hardy, Pickard—3.

Assembly Bill No. 50 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 60.

Bill read third time.

Remarks by Senator Cannizzaro.

Assembly Bill No. 60 revises various provisions regarding domestic violence, assault, stalking and facilitating sex trafficking when involving a child victim and increases certain penalties relating to those crimes. Provisions concerning the arrest of certain persons suspected of having committed battery and domestic battery are clarified, and the bill provides that neither a peace officer nor his or her employer may be held liable for a good-faith decision not to arrest a person for battery or domestic battery under certain circumstances. The definition of "victim" is expanded to include victims of sex trafficking so that such persons may be compensated under certain circumstances.

The measure also revises the duties and quorum requirements of the Committee on Domestic Violence, provides that the attorney general may appoint a subcommittee on programs of treatment for domestic violence offenders and revises provisions regarding the Account for Programs Related to Domestic Violence and the Office of Advocate for Missing or Exploited Children within the Office of the Attorney General.

Roll call on Assembly Bill No. 60:

YEAS—21.

NAYS—None.

Assembly Bill No. 60 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 64.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 64 revises provisions governing the funding provided to charter schools with the average Statewide basic support guarantee for students from school districts with 5,000 or fewer pupils for students that are enrolled full time in online distance education programs. In addition, Assembly Bill No. 64 allows charter schools to continue to receive the school district-specific basic support guarantee from school districts that had more than 5,000 pupils for students that are enrolled full time in online distance education programs. Assembly Bill No. 64 also allows charter schools to continue to receive the local funds available in the county for which the pupil enrolled full time in online distance education programs resides, regardless of the size of the school district. Finally, the bill requires that if the apportionment to a charter school for pupils who are enrolled full time in a program of distance education is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district shall pay the difference to the Department of Education for distribution to the charter school.

Roll call on Assembly Bill No. 64:

YEAS—21.

NAYS—None.

Assembly Bill No. 64 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 66.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 66 authorizes the Division of Public and Behavioral Health in the Department of Health and Human Services to issue the operator of a psychiatric hospital an endorsement as a crisis-stabilization center. Such centers must meet certain requirements, including providing crisis-stabilization services such as de-escalating or stabilizing behavioral crisis and avoiding admission to an inpatient mental-health facility or hospital when appropriate. Services provided at a crisis-stabilization center must be reimbursable under Medicaid, and Medicaid health maintenance organizations and managed-care organizations must negotiate in good faith to include such psychiatric hospitals in their provider networks.

In addition, the bill requires the State Board of Health to adopt regulations providing for the licensure and regulation of providers of nonemergency secure behavioral-health transport services. Such services include the use of a motor vehicle, other than an ambulance or emergency response vehicle that is specifically designed, equipped and staffed to transport individuals with mental illness or other behavioral-health conditions. This type of transportation may be used to transport a person who is the subject of an application for emergency admission to a hospital or mental-health facility or an involuntary court-ordered admission to a mental-health facility.

Roll call on Assembly Bill No. 66:

YEAS—21.

NAYS—None.

Assembly Bill No. 66 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 70.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 70 makes various changes to the Open Meeting Law (OML), including, but not limited to, the following: provides that if a member of a public body attends a meeting of a public body by means of teleconference or videoconference, the chair of the public body must make reasonable efforts to ensure that members of the public body and the public can hear or observe each member attending by teleconference or videoconference. It also clarifies the Attorney General is not required to investigate or prosecute an alleged violation of the OML if he or she believes the complaint was filed in bad faith or by a person whose interests are not significantly affected by the action of the public body. It also allows a public body to delegate authority to the chair or the executive director, or an equivalent position, to make any decision regarding litigation concerning any action or proceeding in which the public body or any member or employee of the public body is a party in an official capacity or participates or intervenes in an official capacity, and it requires, under certain circumstances, a subcommittee or working group of a public body to comply with the provisions of the OML.

Finally, the bill provides that each member of a public body who attends a meeting where any violation of the OML occurs has knowledge of the violation and participates in the violation is guilty of a misdemeanor and subject to an administrative fine, the amount of which is graduated for multiple offenses, unless the violation is a result of legal advice from the public body's attorney.

Roll call on Assembly Bill No. 70:

YEAS—21.

NAYS—None.

Assembly Bill No. 70 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 112.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 112 revises the duties of the Advisory Commission on the Administration of Justice by repealing specifically enumerated duties. In addition to granting discretion to the chair of the Commission to identify and study certain elements of this State's system of criminal justice, the Commission is also required to evaluate and review issues relating to submittal, storage and testing of sexual-assault forensic evidence kits. The bill also provides that a legislative member of the Commission must serve as chair and repeals various subcommittees of the Commission.

The measure requires that a member of the Commission who is an officer or employee of the State or a political subdivision of the State must be allowed to attend meetings without loss of regular compensation. The date of the report that must be submitted to the Legislative Counsel Bureau for distribution to Legislature is changed from September 1 to December 1 of each even-numbered year.

Sections related to creation and membership of the Advisory Commission on the Administration of Justice and to the repeal of certain subcommittees of the Commission are effective on July 1, 2019. The section related to the duties of the Commission regarding the sexual-assault forensic evidence kits is effective January 1, 2021.

Conflict of interest declared by Senator Ohrenschall.

Roll call on Assembly Bill No. 112:
YEAS—20.
NAYS—None.
NOT VOTING—Ohrenschall.

Assembly Bill No. 112 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 132.
Bill read third time.
Remarks by Senators Dondero Loop, Settelmeyer, Pickard and Hardy.

SENATOR DONDERO LOOP:
Assembly Bill No. 132 prohibits, with certain exceptions, an employer from denying employment to a prospective employee because a drug screening test taken by the prospective employee indicates the presence of marijuana. If an employer requires an employee to submit to a screening test within the first 30 days of employment, the employee shall have the right to submit to an additional screening test to rebut the results of the initial screening test. Additionally, the employer is required to accept and give appropriate consideration to the results of that test.

SENATOR SETTELMEYER:
I have concerns about this bill. Section 2 discusses the concept that an employer cannot prospectively drug test an individual and refuse them employment based on the test results. I formerly represented Carson City, and there is a corporation here that spends a significant amount of money on its employees; they even pay for them to go to Western Nevada Community College for training. Before we legalized marijuana, they had a 50-percent failure rate and were investing almost $1,000 per student. With that cost, they went to a program of drug testing people before paying for them to go to school. That would fall under this category, and it is not proper for it do so. If someone wants to make a significant investment in another's education, they have the right to ask for a drug test.

My other concern is about section 2(d) relating to testing "only if it applies to the safety of others." In Douglas County, there was an incident at a large local commercial store where the person driving a forklift was not under the influence and was doing their job as normal. Unfortunately, another person, who was walking under the influence, fell under the forklift. The person driving the forklift had to undergo mental therapy for what they saw. It was not the driver's safety; it was the safety of another; it was a person who had nothing to do with driving. I cannot support this bill. Employers have the right to have requirements for hiring. Pilots cannot be under the influence of even something like an antihistamine. For these reasons, I oppose Assembly Bill No. 132.

SENATOR PICKARD:
We limit or except-out emergency medical technicians, but under NRS 450B, we do not, for example, except-out paramedics. How broad is the language where it says, "…in the determination of the employer could adversely affect the safety of others…" in subsection 2(d)? Does this bill leave it up to the employer to determine the safety of others, including their employees or people outside of their employ? If safety is the issue, does this leave it to them to decide unilaterally, or are they subject to review by someone else? This language seems broad and could conceivably exclude everyone. I would like an answer to this question.

SENATOR HARDY:
If a person wanted to be hired and had another challenge they might say, "I am going to smoke marijuana, and you now have to employ me." If the employer did not hire them, it would not

because of the marijuana use but because of the other issue. This would be a contestable cause. This is flawed, and I am against the bill.

SENATOR PICKARD:
Since I did not get an answer, I think the language is overly broad and certainly ambiguous. Because we do not have any idea how to enforce this, I will vote "no". This bill, it is flawed.

SENATOR DONDERO LOOP:
On page 2 of the bill it says, "…in the determination of the employer could adversely affect the safety of others." There is a clause that allows the employer to limit that.

SENATOR PICKARD:
This, then, puts on record that the employer has the unilateral ability to make that determination.

Conflict of interest declared by Senator Ohrenschall.

Roll call on Assembly Bill No. 132:
YEAS—12.
NAYS—Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—8.
NOT VOTING—Ohrenschall.

Assembly Bill No. 132 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 141.
Bill read third time.
Remarks by Senator Spearman.
Assembly Bill No. 141 forbids a pharmacy-benefit manager from prohibiting certain pharmacists or pharmacies from providing information concerning the availability of a less expensive alternative or generic drug to a person who is covered by a pharmacy-benefits' plan. The bill also prohibits a pharmacy-benefit manager from penalizing certain pharmacists or pharmacies for providing this information.

Roll call on Assembly Bill No. 141:
YEAS—21.
NAYS—None.

Assembly Bill No. 141 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 161.
Bill read third time.
Remarks by Senator Pickard.
Assembly Bill No. 161 restricts a unit-owners' association of a common-interest community from prohibiting a unit's owner from keeping at least one pet within his or her residence, subject to the association's reasonable restrictions on pet ownership. If an association adopts or amends a provision in the governing documents restricting the number of pets kept by a unit's owner, the bill requires the provision to apply prospectively, prohibiting the association from restricting a unit's owner from continuing to keep a pet that otherwise complied with the previous provisions of the governing documents. Finally, the bill provides that a prohibition on pet ownership may be contained in the original declaration of a common-interest community.

Roll call on Assembly Bill No. 161:
YEAS—21.
NAYS—None.

Assembly Bill No. 161 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 166.
Bill read third time.
Remarks by Senator Dondero Loop.
Assembly Bill No. 166 establishes the crime of advancing prostitution. The measure sets forth when certain persons are deemed to have knowledge of such a crime and when such a person is deemed to have taken reasonable steps to abate the prostitution. A person who commits the crime of advancing prostitution is guilty of a category C felony unless a greater penalty is provided by specific statute. In addition, a person who commits the crime of living from the earnings of a prostitute is guilty of a category C felony when physical force or the immediate threat of physical force is used and a category D felony when there is not.

Roll call on Assembly Bill No. 166:
YEAS—21.
NAYS—None.

Assembly Bill No. 166 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 222.
Bill read third time.
The following amendment was proposed by Senator Cannizzaro:
Amendment No. 913.
SUMMARY—Revises provisions relating to specialty courts. (BDR 14-842)
AN ACT relating to specialty courts; revising provisions relating to the eligibility of certain defendants for participation in certain programs in specialty courts; authorizing ~~[a court]~~ certain courts to enter a judgment of conviction against a defendant before placing the defendant on probation and requiring the defendant to participate in certain programs in specialty courts; authorizing ~~[a court to dismiss the proceedings against or]~~ certain courts to set aside a judgment of conviction of a defendant upon completion of certain programs in specialty courts under certain circumstances; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law authorizes a district court, justice court or municipal court to place certain defendants who are veterans or members of the military on probation upon terms and conditions that must include attendance and successful completion of an appropriate program for the treatment of such defendants. However, the court may not assign a defendant to such a program without the prosecuting attorney stipulating to the assignment if: (1) the

offense committed by the defendant involved the use or threatened use of force or violence; or (2) the defendant was previously convicted of a felony that involved the use or threatened use of force or violence. (NRS 176A.290) Existing law also contains a similar provision relating to the eligibility of defendants for assignment to a program for defendants with mental illness or intellectual disabilities. (NRS 176A.260)

The Nevada Supreme Court has held that subsection 2 of NRS 176A.290, which provides that the court may not assign a defendant who is a veteran or member of the military to a program without the prosecuting attorney stipulating to the assignment, violates the separation of powers clause in the Nevada Constitution. (*State v. Hearn*, 134 Nev. Adv. Op. 96 (2018)) The Court further held that the language providing for such a stipulation by the prosecuting attorney is severable from the statute, thereby rendering all defendants who committed a violent offense or who have previously been convicted of a violent felony ineligible for assignment to the program. (*Id.* at 10)

Sections 2 and 3 of this bill, which pertain to the eligibility for assignment to the program for defendants who are veterans or members of the military: (1) remove the language in the statute found unconstitutional by the Nevada Supreme Court that requires the stipulation by the prosecuting attorney before the court may assign to the program a defendant who committed a violent offense or who has previously been convicted of a violent felony; and (2) provide that a defendant who has committed a category A felony or a sexual offense punishable as a category B felony is ineligible for assignment to the program. Section 1 of this bill, which pertains to a program of treatment for defendants with mental illness or intellectual disabilities, makes similar changes.

Existing law authorizes a district court, justice court or municipal court, as applicable, to, without entering a judgment of conviction, suspend further proceedings and place a defendant on probation and require the defendant to complete a program for defendants who are veterans or members of the military under certain circumstances. Upon the defendant's fulfillment of the terms and conditions of the program, existing law requires the district court, justice court or municipal court, as applicable, to discharge the defendant and dismiss the proceedings. (NRS 176A.290) Section 3 of this bill: (1) retains existing law as applicable to justice courts and municipal courts ~~[Section 3 also]~~ ; and (2) authorizes a district court to enter a judgment of conviction against the defendant for certain felony or gross misdemeanor offenses before placing the defendant on probation and requiring the defendant to complete the program for defendants who are veterans or members of the military. Section 3 also requires ~~[a]~~ the district court to discharge and dismiss the proceedings against or set aside the judgment of conviction of the defendant unless the defendant: (1) has previously been convicted of a felony under certain circumstances; or (2) has previously failed to complete a specialty court program. If the defendant has been previously convicted of a felony or has

previously failed to complete a specialty court program, section 3 authorizes ~~[a]~~ the district court to discharge and dismiss the proceedings against or set aside the judgment of conviction of the defendant.

Section 1 ~~[of this bill, which pertains to]~~ authorizes a court with a program of treatment for defendants with mental illness or intellectual disabilities ~~[, makes a similar change as in sections 2 and 3.]~~ to take similar action as a district court with a program for the treatment of defendants who are veterans or members of the military.

Section 2 also removes the provision in existing law that makes a defendant who has previously been assigned to the program ineligible for assignment to the program, thereby making such a defendant eligible for assignment to the program.

~~[Sections]~~ Section 4 ~~[and 4.5]~~ of this bill ~~[make]~~ makes a conforming ~~[changes.]~~ change.

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

Section 1. NRS 176A.260 is hereby amended to read as follows:

176A.260 1. Except as otherwise provided in subsection 2, if a defendant who suffers from mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may ~~[, without]~~ *:*

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250 ~~[.]~~ *; or*

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250.

2. If the offense committed by the defendant ~~[involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment.]~~ *is a category A felony or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, the defendant is not eligible for assignment to the program.*

3. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction *, if applicable,* and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the

Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. Upon fulfillment of the terms and conditions, the court ~~[shall]~~ *:*

(a) Shall discharge the defendant and dismiss the proceedings ~~[.]~~ *or set aside the judgment of conviction, as applicable, unless the defendant:*

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program; or

(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

5. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 2. NRS 176A.287 is hereby amended to read as follows:

176A.287 1. Except as otherwise provided in subsection 2, a defendant is not eligible for assignment to a program of treatment established pursuant to NRS 176A.280 if *:* ~~[the defendant:]~~

(a) ~~[Has previously been assigned to such a program;]~~ *The offense committed by the defendant was a category A felony or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony;* or

(b) ~~[Was]~~ *The defendant was* discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions.

2. A defendant described in paragraph (b) of subsection 1 may be assigned to a program of treatment established pursuant to NRS 176A.280 if a justice court, municipal court or district court, as applicable, determines that extraordinary circumstances exist which warrant the assignment of the defendant to the program.

Sec. 3. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in ~~[subsection 2 and]~~ NRS 176A.287, if a defendant described in NRS 176A.280 tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of ~~[, any]~~ *:*

(a) Any offense *punishable as a felony or gross misdemeanor* for which the suspension of sentence or the granting of probation is not prohibited by statute, the district court [, justice court or municipal court, as applicable,] may [, without] *:*

[(a)] (1) Without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280 [.] *; or*

[(b)] (2) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280 [.] ; or

(b) Any offense punishable as a misdemeanor for which the suspension of sentence is not prohibited by statute, the justice court or municipal court, as applicable, may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. [If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the district court, justice court or municipal court, as applicable, may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the district court, justice court or municipal court, as applicable, shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.

3.] Upon violation of a term or condition:

(a) The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The district court, justice court or municipal court, as applicable, may enter a judgment of conviction *, if applicable*, and proceed as provided in the section pursuant to which the defendant was charged.

(c) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the district court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

~~[4.]~~ *3.* Except as otherwise provided in subsection 5, upon fulfillment of the terms and conditions ~~[, the]~~ *:*

(a) The district court ~~[, justice court or municipal court, as applicable, shall]~~ *:*

~~[(a)]~~ *(1) Shall* discharge the defendant and dismiss the proceedings ~~[.]~~ *or set aside the judgment of conviction, as applicable, unless the defendant:*

~~[(1)]~~ *(I) Has been previously convicted in this State or in any other jurisdiction of a felony; or*

~~[(2)]~~ *(II) Has previously failed to complete a specialty court program; or*

~~[(b)]~~ *(2) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:*

~~[(1)]~~ *(I) Has been previously convicted in this State or in any other jurisdiction of a felony; or*

~~[(2)]~~ *(II) Has previously failed to complete a specialty court program ~~[.]~~ ; or*

(b) The justice court or municipal court, as applicable, shall discharge the defendant and dismiss the proceedings.

4. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

5. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges. If a court conditionally dismisses the charges, the court shall notify the defendant that the conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but are not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or

acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 4. NRS 176A.295 is hereby amended to read as follows:

176A.295 1. Except as otherwise provided in subsection 2, after a defendant is discharged from probation pursuant to NRS 176A.290, the justice court, municipal court or district court, as applicable, shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed as provided in ~~[subsection 5 of]~~ NRS 176A.290, not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the justice court, municipal court or district court, as applicable, orders sealed the record of a defendant discharged or whose charges were conditionally dismissed pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the justice court, municipal court or district court, as applicable, in writing of its compliance with the order.

Sec. 4.5. ~~[NRS 484C.400 is hereby amended to read as follows:~~

~~484C.400 1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:~~

~~(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:~~

~~(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection 3 of NRS 484C.420, order the person to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the~~

~~order, and the court shall notify the Department if the person fails to complete the course within the specified time;~~

~~(2) Unless the sentence is reduced pursuant to NRS 484C.320, sentence the person to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;~~

~~(3) Fine the person not less than $400 nor more than $1,000; and~~

~~(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.~~

~~(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330, the court shall:~~

~~(1) Sentence the person to:~~

~~(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or~~

~~(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;~~

~~(2) Fine the person not less than $750 nor more than $1,000, or order the person to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120; and~~

~~(3) Order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.~~

~~A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.~~

~~(c) Except as otherwise provided in NRS 484C.340, for a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.~~

~~2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:~~

~~(a) When evidenced by a conviction; or~~

~~(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program~~

~~or specialty court program [,] *or the judgment of conviction of such an offense was set aside pursuant to NRS 176A.290.*~~

~~" without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.~~

~~3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.~~

~~4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.~~

~~5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.~~

~~6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded.~~

~~7. As used in this section, unless the context otherwise requires, "offense" means:~~

~~(a) A violation of NRS 484C.110, 484C.120 or 484C.430;~~

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

~~(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).]~~ (Deleted by amendment.)

Sec. 5. The amendatory provisions of this act apply to offenses committed before, on or after the effective date of this act.

Sec. 6. This act becomes effective upon passage and approval.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No 913 to Assembly Bill No. 222 allows for the current status of the Municipal and Justice Courts' veterans court programs to continue to operate in the fashion in which they are

currently operating. The bill, as originally drafted, would have included the whole Municipal Veterans Courts and the Justice Veterans Court programs to be treated the same way as the District Court Veterans Courts and other specialty court programs. This keeps those programs in place as they operate today.

Amendment adopted

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 222 revises provisions relating to a defendant's eligibility for participation in certain specialty court programs. Defendants, including those with mental illnesses or intellectual disabilities, are not eligible for assignment to the program if the offense committed is a category A felony or a sexual offense punishable as a category B felony. The bill also sets forth circumstances under which a court may choose not to dismiss the charges or set aside the conviction of a defendant who has completed a program.

In addition, the measure removes the language in the statute, which was found unconstitutional by the Nevada Supreme Court, regarding the eligibility for assignment to the program of defendants who are veterans or members of the military.

Lastly, the measure provides that a defendant who has been previously assigned to the program is eligible for assignment to the program.

Roll call on Assembly Bill No. 222:

YEAS—21.

NAYS—None.

Assembly Bill No. 222 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 286.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 286 makes various changes relating to trusts and estates including provisions concerning the Uniform Statutory Rule against Perpetuities, the nonprobate transfer of property upon death, the exemption from the execution of a judgment of certain sums derived from the sale of a homestead, the transfer of community property or separate property into an irrevocable trust; wills and estates of deceased persons, the Uniform Powers of Appointment Act and, the administration of trusts. The bill was brought forth by the State Bar of Nevada's Probate and Trust Section.

Roll call on Assembly Bill No. 286:

YEAS—21.

NAYS—None.

Assembly Bill No. 286 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 288.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 288 requires the Department of Motor Vehicles, in any office of the Department located in a county where federal law requires voting materials in a language other than English, to make every effort to provide at least one employee who is fluent in the language of the minority group. The measure requires the Department to maintain, in an office located in

certain counties, service windows or locations dedicated to serving document-preparation services conducting transactions on behalf of clients. A client of a documentation-preparation service who alleges a violation by the document-preparation service that involves a transaction with the Department may file a complaint with the Department. If the Department determines the alleged violation has occurred, it must forward the complaint to the Secretary of State for further action. This may also include referring the violation to the Attorney General or a district attorney to commence a civil action against the document-preparation service.

Roll call on Assembly Bill No. 288:

YEAS—21.

NAYS—None.

Assembly Bill No. 288 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 299.

Bill read third time.

Remarks by Senator Pickard.

Assembly Bill No. 299 revises provisions governing power of attorney. The bill establishes a "nondurable" power of attorney which terminates upon the incapacity of a principal. The measure sets forth the circumstances under which a guardian is appointed after the proper execution of either a durable or a nondurable power of attorney for both financial matters and health care. The form for a power of attorney for health care is revised by informing the principal that the principal may request a power of attorney for health care be electronically stored by the Secretary of State in the Nevada Lockbox to allow access by authorized health-care providers. In addition, any prior durable power of attorney for health care is still a valid declaration governing the withholding or withdrawal of life-sustaining treatment.

Roll call on Assembly Bill No. 299:

YEAS—21.

NAYS—None.

Assembly Bill No. 299 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 301.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 301 requires city and county jails to report to the appropriate governing body of the city or county certain information concerning deaths of prisoners in jail. Each city or county governing body is required to review all available information concerning deaths of prisoners and include this information as an item on the agenda of a public meeting. The sheriff or the person appointed to administer the jail is required to investigate and report the death to the appropriate governing body within 48 hours of the death of a prisoner in a jail. The bill also makes applicable to all counties in this State provisions of existing law that currently only apply to Clark County concerning the coordination of care for mental-health and substance-abuse treatment provided to a prisoner in the custody of jails or detention facilities.

Roll call on Assembly Bill No. 301:

YEAS—21.

NAYS—None.

Assembly Bill No. 301 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 307.

Bill read third time.

Remarks by Senator Pickard.

Assembly Bill No. 307 establishes provisions governing the use of a gang database by a local law enforcement agency. The measure provides that written notice must be provided to any person who has been registered as a suspected member or affiliate of a criminal gang in the database and the person must be given an opportunity to contest the registration. Any file relating to a person in the gang database must be deleted from the database not later than five years from the final contact date the person had with the local law enforcement agency. Finally, the measure applies to anyone who is registered in such a database on or after July 1, 2019.

Roll call on Assembly Bill No. 307:

YEAS—17.

NAYS—Cannizzaro, Dondero Loop, Scheible, Spearman—4.

Assembly Bill No. 307 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 340.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 340 authorizes certain health-care professionals to issue an order for opioid antagonists to a public or private school for the treatment of an opioid-related drug overdose that may be experienced by any person at the school.

The bill also provides a health-care professional is not subject to disciplinary action for issuing such an order to a school. Public and private schools are authorized to obtain such an order for an opioid antagonist and to authorize a school nurse or other designated employee, who has received specified training, to administer it in certain circumstances. If such an order is obtained, the board of trustees of each school district and the governing body of each charter or private school is required to establish certain policies regarding the storage and administration of opioid antagonists. The bill requires a registered pharmacist to transfer an order for an opioid antagonist to another registered pharmacist at the request of a public or private school for which the order was issued.

Roll call on Assembly Bill No. 340:

YEAS—21.

NAYS—None.

Assembly Bill No. 340 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 367.

Bill read third time.

Remarks by Senator Pickard.

Assembly Bill No. 367 requires the Legislative Counsel, when preparing reprints and supplements of *Nevada Revised Statutes* and *Nevada Administrative Code*, ensure persons affected by addictive disorders are identified using language commonly viewed as respectful. Sentence

structure must refer to the person before the disorder. The measure includes words and terms that are preferred, as well as those that are not.

Roll call on Assembly Bill No. 367:
YEAS—21.
NAYS—None.

Assembly Bill No. 367 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 376.

Bill read third time.

The following amendment was proposed by Senator Cancela:

Amendment No. 925.

SUMMARY—Revises provisions relating to persons in custody. (BDR ~~[14-675)]~~ 16-675)

AN ACT relating to persons in custody; ~~[requiring certain entities to report annually to the Legislature certain statistics relating to transfers of persons to the custody of federal agencies;]~~ providing that before a prisoner ~~[who is the subject of a detainer for certain immigration purposes and]~~ who is in the custody of a county or city jail or detention facility is questioned about his or her immigration status, the prisoner must be informed about the purpose of such questions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides for the collection and reporting to the Legislature of certain statistical data concerning certain crimes, such as crimes related to prejudice and crimes committed against older persons. (NRS 179A.175, 179A.450) Section 1 of this bill requires certain entities to submit reports to the Legislature relating to the transfer of persons to the custody of federal agencies by that entity for the purposes of immigration enforcement during the previous calendar year. Section 1 requires each report to include: (1) the total number of persons without a prior conviction, except for a conviction of a misdemeanor other than a crime of violence, who were transferred to the custody of a federal agency for the purposes of immigration enforcement and the specific reasons for those transfers; (2) the misdemeanors other than a crime of violence for which those persons were arrested or convicted, including the total number of persons arrested or convicted for each specific misdemeanor; (3) whether those persons had an active judicial warrant for a misdemeanor other than a crime of violence; (4) if those persons were held in custody beyond the date on which they would have otherwise been released had they not been held in custody for the purpose of being transferred to the custody of a federal agency, the number of days they were held in custody beyond the date on which they would have otherwise been released and the cost for holding them in custody for those days; and (5) certain demographic information concerning those persons transferred. Under section 1, the data acquired or reported must be used only for research or statistical purposes and~~

~~must not contain any information that may: (1) reveal the identity of any person transferred to the custody of a federal agency; or (2) concern any person not described in the section.]~~

Section 1.5 of this bill provides that before questioning a prisoner ~~[who is the subject of a detainer for certain immigration purposes and]~~ who is in the custody of a county or city jail or detention facility regarding his or her immigration status, the person seeking to question the prisoner shall inform the prisoner of the purpose of the questions regarding the immigration status of the prisoner.

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

Section 1. ~~[Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Within 60 days following the end of the previous calendar year, each designated entity shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, a report relating to the transfer of persons to the custody of federal agencies by that designated entity for the purposes of immigration enforcement during the previous calendar year.*~~

~~*2. The report must include the following information:*~~

~~*(a) The total number of persons without a prior conviction, except for a conviction of a misdemeanor other than a crime of violence, who were transferred to the custody of a federal agency for the purposes of immigration enforcement and the specific reasons for those transfers, such as whether the transfers were made pursuant to a program implemented pursuant to section 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g), a detainer issued by the United States Immigration and Customs Enforcement of the Department of Homeland Security or a request by a local law enforcement agency.*~~

~~*(b) The misdemeanors other than a crime of violence for which those persons were:*~~

~~*(1) Arrested, including the total number of persons arrested for each specific misdemeanor.*~~

~~*(2) Convicted, including the total number of persons convicted for each specific misdemeanor.*~~

~~*(c) Whether those persons had an active judicial warrant for a misdemeanor other than a crime of violence at the time of being transferred.*~~

~~*(d) If those persons were held in custody beyond the date on which they would have otherwise been released had they not been held in custody for the purpose of being transferred to the custody of a federal agency, the number of days they were held in custody beyond the date on which they would have otherwise been released and the cost for holding them in custody for those days.*~~

~~*(e) The demographic information concerning those persons transferred, including, age, race, gender, place of birth and primary language.*~~

~~*3. Data acquired or reported pursuant to this section must be used only for research or statistical purposes and must not contain any information that may:*~~

~~*(a) Reveal the identity of any person transferred to the custody of a federal agency; or*~~

~~*(b) Concern any person not described in subsection 2.*~~

~~*4. This section shall be deemed to apply to any designated entity, notwithstanding any agreement between a designated entity and an agency of the federal government, any other agency or governing body that may purport to set different rules regarding the collection and reporting of data other than as required pursuant to this section.*~~

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

~~*(a) "Crime of violence" means any offense involving the use or threatened use of force or violence against the person or property of another.*~~

~~*(b) "Designated entity" includes:*~~

~~*(1) The sheriff's office of a county;*~~

~~*(2) A metropolitan police department;*~~

~~*(3) A police department of an incorporated city;*~~

~~*(4) A county or city jail or detention facility;*~~

~~*(5) The Department of Corrections; and*~~

~~*(6) The Division of Parole and Probation of the Department of Public Safety.]*~~ (Deleted by amendment.)

Sec. 1.5. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

Before questioning a prisoner ~~*[who is the subject of a detainer issued by the United States Immigration and Customs Enforcement of the Department of Homeland Security and]*~~ *who is in the custody of a county or city jail or detention facility regarding his or her immigration status, the person seeking to question the prisoner shall inform the prisoner of the purpose of the questions regarding the immigration status of the prisoner.*

Sec. 2. ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.]~~ (Deleted by amendment.)

Sec. 3. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ (Deleted by amendment.)

Sec. 4. This act becomes effective on January 1, 2020.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 925 to Assembly Bill No. 376 deletes all provisions of the bill with the exception of section 1.5 and revises section 1.5 to provide that before questioning a detainee who is in the custody of a county or city jail or detention facility regarding their immigration status, the person seeking to question the detainee shall inform the detainee of the purpose of the questions regarding the immigration status of the detainee.

Amendment adopted.

Bill read third time.

Remarks by Senators Ohrenschall, Cancela, Pickard, Hardy, Cannizzaro, Hammond and Seevers Gansert.

SENATOR OHRENSCHALL:

The amendment was thoroughly explained by my colleague from District 10, and I urge passage of Assembly Bill No. 376.

SENATOR CANCELA:

Assembly Bill No. 376, has been changed through the legislative process, and I want to make sure it is clear what the bill does as amended. There are agreements with municipalities in place that allow for non-immigration officers to be trained in immigration proceedings and to take people into custody based on immigration status that could then lead to their detention by the Immigration, Customs and Enforcement Agency (ICE). When that person goes through the initial questioning with an officer who has been trained in immigration proceedings, this bill would kick in and the person questioning the detainee would have to let the detainee know the questions being asked could have implications on their immigration status or place them in deportation proceedings. It does not change whether the person has to answer questions. It does not change whether or not the person is asked the questions. It does not change how law enforcement interacts with that person. It simply alerts the detainee they are now entering a different kind of questioning and gives them that information. It is a process that goes unchanged based on the bill, but this process becomes more dignified when the detainee knows the questions they are being asked have deeper implications than the crime for which they were picked up. This is an important piece of information for that individual to have. It help moves us forward in ensuring people get the dignity they deserve when they are detained.

SENATOR PICKARD:

Are these discussions recorded? I would not want to open the door to challenges that did not have evidence. Do we know if these are recorded?

SENATOR CANCELA:

I do not have an answer to that question.

SENATOR HARDY:

As I read Assembly Bill No. 376, before questioning a prisoner who is in the custody of a county jail regarding his or her immigration status, that is why they are there, the person seeking to question the prisoner shall inform the prisoner of the purpose of the questions. We do not say anything about questioning them in a language they understand. I think this is flawed even though it is short, and I will be opposed.

SENATOR CANNIZZARO:

This would fall under any other normal protocols for law enforcement, if it would be ordinary protocol for a law enforcement officer to record such an interaction, it would be recorded. There is nothing in the plain language of the bill that would require that. Assembly Bill No. 376 would apply to any person who in custody who would then subsequently be questioned regarding their immigration status, not those in custody for that purpose. They could be in custody for any reason, and if they were going to be questioned by a law enforcement officer or entity regarding immigration status, they would be informed that that line of questioning, similar to the way we read Miranda rights. I would ask my colleague from District 10 to correct me if I am wrong in that. The intent is this would operate in the same way as Miranda Rights except it would inform a detainee he or she is being questioned about immigration.

SENATOR HAMMOND:

We discussed Assembly Bill No. 376 a lot during Committee meetings. The changes being made are better, but I cannot digest it that fast. It seems the language is a little more vague than I

would anticipate. I am still not there on this bill. I still encourage a "no" vote, unless we get a chance to go through it.

SENATOR SEEVERS GANSERT:

I, too, am concerned about Assembly Bill No. 376, in particular, some of the comments put on the record by the Majority Leader. If this is compared to Miranda rights, it could cause a technical issue with anyone in custody. I am concerned about this creating a high standard in law that could be problematic for our law enforcement agents.

SENATOR CANCELA:

I want to clarify a couple of things because I agree, the language in Assembly Bill No. 376 does not necessarily represent what happens from day to day. When a person is picked up for, as an example, domestic violence, they are booked into the county jail. While they are there through the normal record-seeking process, it may come to the attention of law enforcement that the person may have an immigration issue. This could be because they are potentially undocumented or they have an immigration hold in their record. There are agreements in place in Clark County, called 287 (g) agreements, where law enforcement officers have been deputized to work with Immigration, Customs and Enforcement. The detainee then goes to a different officer to have a conversation about their immigration status. Before that conversation begins, all the bill requires is that the individual be notified he or she is going to be questioned for immigration purposes. It does not change or create a new evidentiary standard or a new standard in court proceedings for that person. It notifies the detainee that he or she is going to be talking to someone other than just a Clark County police officer. This is important for the detainee so they know they are going through a different process than they would have had they just been picked for the crime and were just dealing with local law enforcement. They are now in a situation that could potentially end up in immigration proceedings or referral to ICE custody. This is a notification to the individual they are in a different situation than what they originally thought. It is simply a notice. It does not change anything regarding how that person is treated. It does not change how that person may choose to legally challenge the potential deportation, if it happens. This simply gives notice to the detainee they are in a different situation.

SENATOR HARDY:

I understand what you are talking about, and I think it is wise from both levels, the questioner and the person being questioned. The language refers to questioning a prisoner who is in custody regarding his immigration status. That is what the sentence says. The person is in custody for their immigration status as opposed to being in custody for something like domestic violence and immigration issue then becomes an issue.

Roll call on Assembly Bill No. 376:

YEAS—13.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—8.

Assembly Bill No. 376 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 378.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 378 clarifies that a facility or hospital may accept for emergency admission to evaluate, observe or treat any person deemed to be a threat to him or herself or others for whom a proper application has been made, regardless of whether a parent or legal guardian has consented to the admission. The person who applies for emergency admission shall attempt to obtain the consent of a parent or guardian before making the application, when practicable, and must maintain documentation of each attempt. Permission to notify a family member, friend or other

person must be asked of the individual who is admitted to the facility and who is at least 18 years of age.

Finally, Assembly Bill No. 378 requires Nevada's Department of Education to include in its model plan for the management of a crisis or suicide a procedure for responding to a student who is determined to be a threat to him or herself or others.

Roll call on Assembly Bill No. 378:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Assembly Bill No. 378 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 393.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 393 provides certain protections to federal, tribal and State workers and household members of such workers during a period in which there is a lapse in appropriations for a federal or State agency during a government shutdown. These protections include providing energy assistance and relief from eviction, foreclosure, payment of rent, payment of late fees and vehicle repossession under certain circumstances. Lenders are required to notify borrowers they may be entitled to certain protections. In addition, the landlord of a State, federal or tribal worker is provided with certain protections during a government shutdown.

Roll call on Assembly Bill No. 393:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Assembly Bill No. 393 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 400.

Bill read third time.

Remarks by Senators Ratti and Seevers Gansert.

SENATOR RATTI:

Assembly Bill No. 400 specifies that for certain economic development abatements that may be offered by the Governor's Office of Economic Development (GOED) for new or expanding businesses where sales and use taxes may be abated under current law, all local sales and use taxes may be abated except for the Local School Support Tax (LSST). The bill specifies that for the general abatements that may be provided under Nevada Revised Statutes (NRS) 360.750 for expanding businesses, abatements may be provided from property taxes, the Modified Business Tax and all local sales and use taxes except for the LSST. The bill specifies that for the abatements that may be provided to data centers and aircraft related business, an abatement of the LSST may only be granted if the GOED Board approves the abatement by a two-thirds majority. The bill reduces the maximum period for which abatements may be granted to aircraft-related business, from 20 years to 10 years.

Assembly Bill No. 400 specifies that for the general abatements that may be offered to certain new or expanding businesses pursuant to NRS 360.750, a business may not receive the abatements under that section if they have already received the corresponding abatement in that section for locating or expanding that business.

Finally, Assembly Bill No. 400 provides the amendatory provisions of the bill do not apply to abatements granted and applications filed before July 1, 2019. This bill has multiple effective dates listed in the bill.

SENATOR SEEVERS GANSERT:

I rise in support of Assembly Bill No. 400. We need to do a total review of our economic development incentives and abatements, but this is a step in the right direction. We have been giving away local school support tax and taxes that will go directly to schools. We need to put a hold on that, which this bill does, or creates a higher threshold for new businesses coming to our region. I support this measure, but I also recommend we do a complete review and evaluation of the programs we have in place.

Roll call on Assembly Bill No. 400:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Assembly Bill No. 400 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 416.

Bill read third time.

The following amendment was proposed by Senator Cannizzaro:

Amendment No. 907.

SUMMARY—Revises provisions relating to the imposition and collection of fines, administrative assessments, fees or restitution. (BDR 14-429)

AN ACT relating to criminal procedure; revising provisions relating to the collection of delinquent fines, administrative assessments, fees or restitution; authorizing a court to order the performance of community service in lieu of all or a part of any administrative assessment or fee in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to impose a collection fee against a defendant for any delinquent fine, administrative assessment, fee or restitution. Existing law authorizes a state or local entity responsible for collecting such a delinquent fine, administrative assessment, fee or restitution to take certain actions, including reporting the delinquency to credit reporting agencies. Existing law also authorizes the court to take certain actions, including: (1) entering a civil judgment for the amount due in favor of the state or local entity responsible for collecting the delinquent amount; (2) requesting that a prosecuting attorney undertake collection of the delinquency by attachment or garnishment of the property of the defendant, wages or other money receivable; (3) ordering the suspension of the driver's license of the defendant or prohibiting the defendant from applying for a driver's license for a specified period; and (4) for a delinquent fine or administrative assessment, ordering the confinement of the person in the appropriate prison, jail or detention facility. (NRS 176.064)

Section 2 of this bill revises provisions relating to the procedure for collecting such delinquent fines, administrative assessments, fees or restitution. Section 2 removes the ability of a state or local entity responsible for collecting a delinquent amount to report the delinquency to credit reporting agencies and removes the ability of the court to request that a prosecuting attorney undertake collection of the delinquency. Section 2 also specifies that a court may only order the suspension of the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period if the court determines that the defendant: (1) has the ability to pay the amount due and is willfully avoiding payment; or (2) was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service. Section 2 thereby authorizes a state or local entity responsible for collecting a delinquent amount to: (1) request that the court enter a civil judgment for the amount due in favor of the state or local entity, suspend the driver's license of the defendant or prohibit the defendant from applying for a driver's license in such specified circumstances and, if the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the defendant in the appropriate prison, jail or detention facility; and (2) contract with a licensed collection agency to collect the delinquent amount and the collection fee.

Section 1.7 of this bill provides that any delinquent fine, administrative assessment or fee owed by a defendant for the commission of a minor traffic offense is deemed to be uncollectible if after 8 years it remains impossible or impracticable to collect the delinquent amount.

Section 1.3 of this bill establishes the circumstances in which a person who commits a minor traffic offense, as defined by the section, is presumed to be indigent and not to have the ability to pay a fine, administrative assessment or fee.

Section 2.5 of this bill additionally authorizes a court, under certain circumstances, to order a convicted person to perform community service in lieu of all or part of any administrative assessment or fee that may be imposed for the commission of a misdemeanor.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. 1. *For the purposes of this chapter, a person who commits a minor traffic offense is presumed to be indigent and not to have the ability to pay a fine, administrative assessment or fee imposed pursuant to this chapter if the person:*

~~*[1.]*~~ *(a) Receives public assistance, as that term is defined in NRS 422A.065;*

~~*[2.]*~~ *(b) Resides in public housing, as that term is defined in NRS 315.021; or*

~~[3.]~~ *(c) Has a household income that is less than 200 percent of the federally designated level signifying poverty.*

2. As used in this section, "minor traffic offense" means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than:

(a) A violation of chapters 484A to 484E, inclusive, or 706 of NRS that causes the death of a person;

(b) A violation of NRS 484C.110 or 484C.120; or

(c) A violation declared to be a felony.

Sec. 1.7. *Any delinquent fine, administrative assessment or fee owed by a defendant pursuant to NRS 176.064 who commits a minor traffic offense as defined in section 1.3 of this act is deemed to be uncollectible if after 8 years it remains impossible or impracticable to collect the delinquent amount.*

Sec. 2. NRS 176.064 is hereby amended to read as follows:

176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:

(a) Not more than $100, if the amount of the delinquency is less than $2,000.

(b) Not more than $500, if the amount of the delinquency is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is $5,000 or greater.

2. A state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to collect the fine, administrative assessment, fee or restitution through any other lawful means, take ~~[any or all of]~~ the following actions:

(a) ~~[Report the delinquency to reporting agencies that assemble or evaluate information concerning credit.~~

~~(b)]~~ Request that the court take appropriate action pursuant to subsection 3.

~~[(c)]~~ *(b)* Contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.

3. The court may, on its own motion or at the request of a state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution, take ~~[any or all of]~~ the following actions *:* ~~[, in the following order of priority if practicable:]~~

(a) Enter a civil judgment for the amount due in favor of the state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution. A civil judgment entered pursuant to this paragraph may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. If the court has entered a civil judgment pursuant to this paragraph and the person against whom the judgment is entered is not indigent and has not satisfied the judgment within the time established by the court, the person may be dealt with as for contempt of court.

(b) ~~[Request that a prosecuting attorney undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to paragraph (a) and the collection fee, by attachment or garnishment of the defendant's property, wages or other money receivable.~~

~~(c) Order]~~ *If the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, or if the defendant was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service, order* the suspension of the driver's license of the defendant. If the defendant does not possess a driver's license, the court may prohibit the defendant from applying for a driver's license for a specified period. If the defendant is already the subject of a court order suspending or delaying the issuance of the defendant's driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a defendant pursuant to this paragraph, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a defendant to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the defendant's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

~~[(d) For a delinquent fine or administrative assessment,]~~

(c) If the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the ~~[person]~~ *defendant* in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special

fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice court or district court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the State Treasury. The Court Administrator may use the money in the account only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution in this State and to hire additional personnel necessary for the success of such a program.

(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c) of this subsection.

Sec. 2.5. NRS 176.087 is hereby amended to read as follows:

176.087 1. Except where the imposition of a specific criminal penalty is mandatory, a court may order a convicted person to perform supervised community service:

(a) In lieu of all or a part of any fine , *administrative assessment, fee* or imprisonment that may be imposed for the commission of a misdemeanor; or

(b) As a condition of probation granted for another offense.

2. The community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

3. The court may require the convicted person to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.

4. The following conditions apply to any such community service imposed by the court:

(a) The court must fix the period of community service that is imposed as punishment or a condition of probation and distribute the period over weekends or over other appropriate times that will allow the convicted person to continue employment and to care for the person's family. The period of community service fixed by the court must not exceed, for a:

(1) Misdemeanor, 200 hours;

(2) Gross misdemeanor, 600 hours; or

(3) Felony, 1,000 hours.

(b) A supervising authority listed in subsection 2 must agree to accept the convicted person for community service before the court may require the convicted person to perform community service for that supervising authority. The supervising authority must be located in or be the town or city of the convicted person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority may be located outside the jurisdiction of the court.

(c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority.

(d) The court may require the supervising authority to report periodically to the court or to a probation officer the convicted person's performance in carrying out the punishment or condition of probation.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Senate Amendment No. 907 to Assembly Bill No. 416 provides the provisions of this bill would apply to traffic offenses only. In Committee, that was the intent of the bill. Upon review of the language from the last amendment, it did not make clear this was to apply only to traffic offenses, and so this amendment clarifies that.

Amendment adopted.

Bill read third time.

Remarks by Senator Cannizzaro.

Assembly Bill No. 416 revises provisions relating to the procedure for collecting delinquent fines and administrative assessments fees or restitution, and the bill removes the ability for a State or local entity to report a delinquency to a credit reporting agency. It also removes the ability of the court to request a prosecuting attorney undertake the collection of the delinquency or to order the suspension of the defendant's driver's license or prohibit the defendant applying for a driver's license.

Among other provisions, the bill authorizes the court to order community service in lieu of payment of all or part of the fee or administrative assessment for the commission of a traffic offense. It specifies a court may only order the suspension of a driver's license or prohibit a defendant from applying for a driver's license for a specified period if the court determines the defendant has the ability to pay the amount due and is not willfully avoiding the payment or was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service.

Finally, the bill provides any delinquent fine, administrative assessment or fee owed by a defendant is deemed to be uncollectable if after eight years it remains impossible or impractical to collect the delinquent amount.

Roll call on Assembly Bill No. 416:
YEAS—20.
NAYS—None.
EXCUSED—Kieckhefer.

Assembly Bill No. 416 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senator Ratti moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 7:23 p.m.

SENATE IN SESSION

At 7:33 p.m.
President Marshall presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bill No. 421 be taken from the General File and placed on the General File on the fourth Agenda.
Motion carried.

Senator Spearman moved that Assembly Bill No. 477 be taken from the General File and placed on the General File on the fourth Agenda.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 417.
Bill read third time.
Remarks by Senator Hansen:
Assembly Bill No. 417 revises provisions regarding the named-based search of records of criminal history provided by the Central Repository for Nevada Records of Criminal History. Specifically, the bill provides a person who enters into a contract for certain services provided by an independent contractor, subcontractor or third party is an employer for the purpose of being eligible to conduct a named-based search of records of criminal history of an employee pursuant to existing law.

Roll call on Assembly Bill No. 417:
YEAS—20.
NAYS—None.
EXCUSED—Kieckhefer.

Assembly Bill No. 417 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 434.
Bill read third time.
Remarks by Senators Dondero Loop and Settelmeyer.

SENATOR DONDERO LOOP:

Assembly Bill No. 434 establishes the legislative intent that the incarceration of a person for failing to appear in court or failing to pay any administrative assessment, fine or court fee imposed for the commission of a traffic violation should generally be disfavored unless failing to incarcerate such a person would substantially jeopardize public safety. The measure establishes a presumption that a person arrested for the commission of certain traffic violations should be released on his or her own recognizance so long as the person pays all associated fees, fines and assessments in full. A court may, however, order confinement or suspend a driver's license if a defendant willfully avoids payment of an amount due or willfully avoids performing community service. A warrant may not be issued for a failure to pay unless the person has been provided with the opportunity to perform community service to pay the amount owed and has failed to do so.

The bill increases the amount of credit an offender receives against his or her fine for each day of incarceration served by the offender.

Additionally, certain convictions for a traffic violation are not criminal convictions for the purpose of applying for employment, a professional license or any educational opportunities. The measure specifies payments by an offender with multiple violations or multiple cases are to be applied first to any traffic violations and then to outstanding assessments, fines and fees. The measure creates a uniform range of fines for minor traffic and related violations throughout the State and encourages the early payment of citations for traffic or related violations by authorizing a reduction of the charge if payment is made prior to a court appearance, unless the person demonstrates a pattern of moving traffic violations.

Lastly, the measure provides if a person commits any offense for which a local authority is prohibited from enacting an ordinance, any fine paid or forfeiture of bail by the person must be paid into the State Treasury for credit to the State Permanent School Fund.

SENATOR SETTELMEYER:

Assembly Bill No. 434 says that you cannot (unintelligible) from employment for violating NRS 484A to 484E. Does anyone have an idea what those were? I am concerned as a rancher. I have people driving expensive equipment worth more than people's Maserati's or Ferraris; $200,000 pieces of equipment. Do I have the right not to employ someone if they are hot-rodding, showboating or being a danger to other people? These are very large pieces of equipment, and if they get out of hand, the result would not be good. I am curious if anyone knows what NRS 484A to 484E chapters were?

SENATOR DONDERO LOOP:

I do not know the answer to that, but this bill is about how fines are paid, not when violations occur.

Roll call on Assembly Bill No. 434:

YEAS—17.

NAYS—Goicoechea, Pickard, Settelmeyer—3.

EXCUSED—Kieckhefer.

Assembly Bill No. 434 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 439.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 439 revises various provisions relating to the imposition of certain fees, costs and administrative assessments in juvenile proceedings. The juvenile court is required, to the extent possible, to arrange for the child to receive such services from an approved provider that receives a sufficient amount of federal or State funding to offset the remainder of the costs of such services. In addition, the measure eliminates the authority of the juvenile court to order a parent or guardian of a child to pay certain costs.

Roll call on Assembly Bill No. 439:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Assembly Bill No. 439 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 443.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 443 removes the prospective October 1, 2025, expiration date of the Clark County Sales and Use Tax Act of 2005, which provides for the imposition of an additional sales and use tax rate in Clark County to hire and equip additional police officers. The tax established under this act, which is currently imposed in Clark County at a rate of 0.3 percent, would be made permanent under this change.

The bill additionally makes the changes to the Clark County Sales and Use Tax Act of 2005 and the Clark County Crime Prevention Act of 2016. The periodic reports required under the 2005 and 2016 Acts are expanded to require additional specific information regarding equipment purchased. The reports must also contain specific information related to academies held by the police department, including information relating to the hiring status of persons attending the academy and expenditures on equipment for those persons. Provisions are added making it a category D felony to knowingly provide or include false or misleading information, or to cause false or misleading information to be provided or included in the periodic reports required under current law.

Roll call on Assembly Bill No. 443:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Assembly Bill No. 443 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 457.

Bill read third time.

Remarks by Senators Spearman and Settelmeyer.

SENATOR SPEARMAN:

Assembly Bill No. 457 revises various provisions related to the practice of chiropractic. The bill removes the requirement a chiropractic license applicant shall complete certain transactions with the Chiropractic Physicians' Board of Nevada 60 days in advance of the date of his or her licensing examination, but it prohibits an applicant from taking the licensing examination until the Board's Executive Director determines his or her application is complete. In addition, an applicant, who may perform chiropractic under certain conditions while waiting for the licensing examination, shall not practice in such manner longer than 90 days. This bill authorizes the Board to adopt regulations that provide for random audits of chiropractors and chiropractors' assistants to ensure compliance with certain continuing education requirements. The bill also revises the grounds for initiating disciplinary action by including conviction for any crime relating to the practice of chiropractic and adding incompetence or negligence in the practice of chiropractic.

Finally, the bill requires the Board to adopt regulations establishing the qualifications a chiropractor must obtain before he or she is authorized to perform dry needling, which must include the successful completion of didactic education and training in dry needling.

SENATOR SETTELMEYER:

Unfortunately, we have become a little bit of an expert in Commerce and Labor and it now seems on the whole concept of dry needling as well. After investigating several different states, I keep going back to the simple fact that in all of Title 54, there should be a blanket rule requiring at least a minimum amount of 25 hours. There are some courses that are literally four-hour courses.

The concept of putting forth something and trusting them to put into their own Nevada Administrative Code has been proven not to work. We had one today who decided to start dry needling without authorization. I will continue to stand and say we should have some minimum level on all Title 54s. Whenever we have a bill saying they should be able to do it when they feel significantly qualified, I do not agree. We should at least stick in there that they have to use single-use needles because we found a couple of boards that were not using single-use needles. I oppose Assembly Bill No. 457.

Roll call on Assembly Bill No. 457:

YEAS—17.

NAYS—Goicoechea, Hardy, Settelmeyer—3.

EXCUSED—Kieckhefer.

Assembly Bill No. 457 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 1.

Resolution read third time.

Remarks by Senators Ohrenschall and Hansen.

SENATOR OHRENSCHALL:

Assembly Joint Resolution No. 1 expresses the opposition of the Nevada Legislature to any transfer of South Carolina defense plutonium or any other highly radioactive waste or materials to the Nevada National Security Site, formerly referred to as the "test site." The resolution calls on United States Secretary of Energy, James Richard "Rick" Perry, to halt any such shipments in the future, to inform appropriate Nevada State officials of a timeline for removal of the plutonium that has already been shipped from South Carolina and to inform Nevada officials of any future plans to attempt to transfer such waste materials to this State. The resolution restates the Legislature's strong and unyielding opposition to the storage or disposal of South Carolina defense plutonium or any other highly radioactive materials in Nevada without our State's knowledge or consent. I urge its passage.

SENATOR HANSEN:

I rise in support of Assembly Joint Resolution No. 1. We, as a Legislative Body, are trying to block something in which potentially all other 49 other states are involved. Is that the way it is supposed to be? No. Article 1, Section 8, of the *United States Constitution* gives Congress the power to "exercise authority over all places purchased by the consent of the legislature of the state in which the same shall be." What we should be debating is whether we want to have this here and, if so, what the cost would be for the State of Nevada. This is also true if we want the Air Force expansion or the Navy.

As a Legislative Body, we are supposed to have control over the lands within our own State. If we followed the Constitution, we would be a sovereign state and other states could not force their ways on us. As my colleague from District 12 mentioned the other day, we are a republic not a democracy. I bring that up because we are essentially being forced to take the waste from other states. There are 35 states that have some level of nuclear waste. If we were to practice the idea of a popular, national vote, there are 330 million Americans and less than 3 million Nevadans. The

vote would be 100 of them for every 1 of us. Should the majority be allowed to force their waste on us? As a sovereign state, we should be able to oppose that. East of the Mississippi, there are virtually no states with public lands in which they argue about whether other states can dump their trash on them.

Many times in Nevada, we beat up ourselves because we do not have enough money for public schools. We are often compared to states like Massachusetts or Virginia. In those states where the entire state is almost privately-owned, the property tax base is double or triple that of ours. More than 86 percent of the State of Nevada is owned by the federal government. We receive token payments and payment in lieu of taxes, but we struggle in our State to pay for education because we do not have control over our own lands.

When it comes to the national popular vote and other ideas, no one here wants to see if we should have nuclear waste on the national ballot.

I am an old Sagebrush Rebel. In the 2013 Session, we asked all of the counties to participate in a study chaired by Elko Commissioner Demar Dahl. I wish this Body would look at that report. While there is opposition to the concept, if we want to be a sovereign state and use our authority as Legislators representing the citizens of this State to block things like the nuclear waste dump, we need to start at some point. We had a good study done that was supposed to be reported to the Public Lands Committee in the 2015 Session. Slowly but surely, our own citizens are being denied access to the public lands in Nevada. Why? Because, as the other 49 states determine what happens within those boundaries, we have no say. All we can do is pass resolutions and other things that make our Congressional Delegation aware of where we would like to be. We do not have the authority we should to protect our citizens from things like the nuclear waste dump, because there are 49 other states, or under the popular vote, 100 more citizens per citizen of Nevada can determine where that waste will be stored.

I urge us all to vote "yes" on Assembly Joint Resolution No. 1. I agree with the concept. At some point we need to start looking at this from the constitutional perspective of each state being a sovereign nation that can determine what happens within its own borders, rather than being at the mercy of the democracy where we share these public lands with 330 million people who are anxious to get the nuclear waste out of their backyard and into ours.

Roll call on Assembly Joint Resolution No. 1:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Assembly Joint Resolution No. 1 having received a constitutional majority, Madam President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 2.

Resolution read third time.

Remarks by Senator Scheible.

Assembly Joint Resolution No. 2 urges Congress to reject any proposal by the United States Air Force to expand its use of land or exercise of jurisdiction within the Desert National Wildlife Refuge beyond that which it currently possesses and to limit any proposal to extend the Air Force's authority over the Nevada Test and Training Range to not more than 20 years. This measure also urges Congress to work collaboratively with all interested parties to develop a compromise alternative.

Roll call on Assembly Joint Resolution No. 2:

YEAS—18.

NAYS—Hardy, Settelmeyer—2.

EXCUSED—Kieckhefer.

Assembly Joint Resolution No. 2 having received a constitutional majority, Madam President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 73.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 73 provides for the creation of a temporary working group in Clark County to address issues relating to homelessness. The working group is required to submit a report to the Clark County Commission and the governing body of each city in Clark County, on or before October 1, 2020, with recommendations on methods to reduce homelessness in the county and funding sources to implement those methods. The County Commission and each governing body receiving the report must hold a public hearing on the report and may accept, modify or reject each recommendation provided in the report. If the County Commission or a governing body rejects a recommendation, the reason for rejecting the recommendation must be set forth by that body on the record during the hearing.

Roll call on Assembly Bill No. 73:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Assembly Bill No. 73 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 242.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 242 provides for the creation of the Nevada Air Service Development Commission and the Nevada Air Service Development Fund to provide incentives for certain air carriers to improve service to certain airports in Nevada. The bill provides for the composition of the Commission and requires the Commission to administer the Fund and develop a program to provide grants from the Fund to certain air carriers. The Commission may make grants of money from the Fund directly to an air carrier to provide improved air service in exchange for receiving certain guarantees specified in the bill. The Commission may also accept gifts, bequests, grants, appropriations and donations from any source for deposit in the Fund.

Roll call on Assembly Bill No. 242:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Assembly Bill No. 242 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 244.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 244 authorizes the board of trustees of certain school districts to establish, by resolution, an advisory committee, to recommend an increase in the property tax rate for consideration by the voters at a general election held not later than the November 8, 2022, General

Election, to fund the capital projects of the school district. If such an advisory committee is established, the committee must recommend an additional property tax be imposed in the county for the benefit of the school district and must specify the tax rate and the period for which the tax would be effective. The advisory committee must then submit its recommendations to the board of trustees. If the advisory committee submits its recommendations to the board of trustees no later than April 2, 2022, the board of trustees may transmit those recommendations to the board of county commissioners, who may then submit a ballot question to the voters at the next general election.

Roll call on Assembly Bill No. 244:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Assembly Bill No. 244 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 303.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 303 prohibits a person from knowingly selling or offering to sell kratom products to a child who is less than 18 years of age. In addition, the measure prohibits the sale of certain adulterated kratom products and a kratom product that does not include a label that clearly sets forth the ingredients and directions for the safe and effective use of the product. Finally, the measure establishes a civil penalty of not more than $1,000 for each violation of those provisions.

Roll call on Assembly Bill No. 303:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Assembly Bill No. 303 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 13.

The following Assembly amendment was read:

Amendment No. 713.

SUMMARY—Authorizes the board of county commissioners of a county to form a nonprofit corporation to aid the county in providing certain governmental services. (BDR 20-483)

AN ACT relating to counties; authorizing the board of county commissioners of a county to form a nonprofit corporation to aid the county in providing certain services during an emergency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the formation and operation of nonprofit corporations within this State. (Chapter 82 of NRS) Section 3 of this bill authorizes a board of county commissioners to form a nonprofit corporation to

aid the county during an emergency in providing to residents and visitors emergency assistance or any other governmental service such as social services or financial assistance. Section 4 of this bill provides that such a nonprofit corporation has the same powers as other nonprofit corporations except that the nonprofit shall not: (1) borrow money, contract debts or issue bonds, promissory notes, drafts, debentures or other indebtedness; ~~[or]~~ (2) acquire, transfer or deal in or with bonds or obligations or shares of securities or interests; (3) levy dues, assessments or fees ~~[.]~~ ; or (4) carry on a business for profit and apply profits to any activity in which the nonprofit may engage. Section 5 of this bill deems: (1) such a nonprofit corporation to be a political subdivision; and (2) members of the board of directors to be employees of the political subdivision for purposes of tort liability. Section 6 of this bill requires that the assets of the government nonprofit corporation must be distributed to the county upon the dissolution of the government nonprofit corporation.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *1. Except as otherwise provided in sections 2 to 6, inclusive, of this act, the provisions of chapter 82 of NRS apply to a nonprofit corporation formed pursuant to section 3 of this act.*

2. To the extent that the provisions of sections 2 to 6, inclusive, of this act conflict with the provisions of chapter 82 of NRS, the provisions of sections 2 to 6, inclusive, of this act control.

Sec. 3. *1. The board of county commissioners of a county may form a nonprofit corporation to aid the county during an emergency in providing to residents and visitors emergency assistance or any other governmental service, including, without limitation, social services and financial assistance for food and shelter.*

2. The board of county commissioners shall approve by resolution the articles of incorporation and bylaws of the nonprofit corporation before the articles of incorporation may be filed with the Secretary of State pursuant to NRS 82.081. The bylaws of the nonprofit corporation must:

(a) Provide that the purpose of the nonprofit corporation is limited to aiding the county during an emergency as provided in subsection 1;

(b) Limit the nonprofit corporation to operating only after a declaration of an emergency by the county; and

(c) Require that all money received by the nonprofit corporation must be used to benefit victims of the emergency.

3. After adopting a resolution forming a nonprofit corporation pursuant to this section, the board of county commissioners shall appoint the initial members of the board of directors. All subsequent members of the board of directors must be appointed as provided in the bylaws of the nonprofit corporation.

4. A person who is appointed to serve as a member of the board of directors who is not otherwise a public officer is not a public officer by virtue of such appointment.

5. The board of directors of the nonprofit corporation formed pursuant to subsection 1 shall provide an annual report to the board of county commissioners which must include, without limitation:

(a) A summary of the activities of the nonprofit corporation during the preceding year;

(b) A statement of the finances of the nonprofit corporation during the preceding year;

(c) A statement of any money received and any money spent by the nonprofit corporation during the preceding year, including, without limitation, the compensation paid to each officer and each member of the board of directors of the nonprofit corporation; and

~~[(c)]~~ (d) The names of the current members of the board of directors of the nonprofit corporation.

Sec. 4. *1. Except as otherwise provided in subsection 2, a nonprofit corporation formed pursuant to section 3 of this act has the powers set forth in NRS 82.121 and 82.131.*

2. A nonprofit corporation formed pursuant to section 3 of this act shall not exercise the powers set forth in subsection 1 ~~[or]~~ , 2, 5 or 7 of NRS 82.131.

Sec. 5. *Any liability or action against a nonprofit corporation formed pursuant to section 3 of this act must be determined in the same manner and with the same limitations and conditions as provided in NRS 41.0305 to 41.039, inclusive. To this extent, the nonprofit corporation shall be deemed a political subdivision of the State and the members of the board of directors shall be deemed employees of the political subdivision.*

Sec. 6. *Upon the dissolution of a nonprofit corporation formed pursuant to section 3 of this act, the assets of the nonprofit corporation must be distributed to the county which formed the nonprofit corporation and used in a manner consistent with the purposes of the nonprofit corporation.*

Senator Parks moved that the Senate concur in Assembly Amendment No. 713 to Senate Bill No. 13.

Remarks by Senator Parks.

Amendment No. 713 to Senate Bill No. 13 requires any nonprofit corporation formed pursuant to this bill to disclose all money received and spent each year and prohibits a nonprofit corporation, as defined in the bill, from exercising certain powers or carrying on a business-for-profit.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 15.

The following Assembly amendment was read:

Amendment No. 714.

SUMMARY—Provides for the establishment of incident management assistance teams. (BDR 36-351)

AN ACT relating to emergency management; authorizing the Governor or the Governor's duly designated representative to establish one or more incident management assistance teams; authorizing certain volunteers to serve as members of such teams; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Governor or the Governor's duly designated representative to create and establish mobile support units to reinforce organizations for emergency management in areas stricken by a disaster or emergency. (NRS 414.080) Sections 1-3 of this bill change the name of these mobile support units to incident management assistance teams. Section 2 of this bill authorizes volunteers trained in responding to an emergency or disaster from an organization that provides such volunteers ~~[, including AmeriCorps, Nevada Volunteers and other similar organizations,]~~ to serve as members of an incident management assistance team.

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

Section 1. NRS 414.037 is hereby amended to read as follows:

414.037 ~~["Mobile support unit"]~~ *"Incident management assistance team"* means an organization for emergency management created in accordance with the provisions of this chapter by state or local authority to be dispatched by the Governor to supplement local organizations for emergency management in a stricken area.

Sec. 2. NRS 414.080 is hereby amended to read as follows:

414.080 1. The Governor or the Governor's duly designated representative may create and establish such number of ~~[mobile support units]~~ *incident management assistance teams* as may be necessary to reinforce organizations for emergency management in stricken areas and with due consideration of the plans of the Federal Government and of other states. The Governor may appoint a ~~[commander]~~ *chief* for each such ~~[unit]~~ *team* who has primary responsibility for the organization, administration and operation of the ~~[unit. Mobile support units]~~ *team. Incident management assistance teams* may be called to duty upon orders of the Governor and shall perform their functions in any part of the State, or, upon the conditions specified in this section, in other states.

2. *When creating and establishing an incident management assistance team, the Governor or the Governor's duly designated representative may include as members of such a team volunteers who are trained in responding to an emergency or disaster from an organization that provides such volunteers* ~~*[, including, without limitation, AmeriCorps, Nevada Volunteers and any other similar organization.]*~~

3. Personnel of ~~[mobile support units]~~ *incident management assistance teams*, while on duty, whether within or without the State:

(a) If they are employees of the State, have the powers, duties, rights, privileges and immunities and receive the compensation incidental to their employment.

(b) If they are employees of a political subdivision of the State, and whether serving within or without that political subdivision, have the powers, duties, rights, privileges and immunities and receive the compensation incidental to their employment.

(c) If they are not employees of the State or a political subdivision thereof, are entitled to compensation by the State at $10 per day and to the same rights and immunities as are provided by law for the employees of the State. All personnel of ~~[mobile support units,]~~ *incident management assistance teams*, while on duty, are subject to the operational control of the authority in charge of activities for emergency management in the area in which they are serving, and must be reimbursed for all actual and necessary travel and subsistence expenses.

~~[3.]~~ *4.* The State may reimburse a political subdivision for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of employees of such political subdivision while serving as members of ~~[a mobile support unit,]~~ *an incident management assistance team*, for all payments for death, disability or injury of such employees incurred in the course of duty, and for all losses of or damage to supplies and equipment of the political subdivision resulting from the operation of such ~~[mobile support unit.]~~ *incident management assistance team.*

Sec. 3. NRS 223.240 is hereby amended to read as follows:

223.240 1. The Governor may, on behalf of this State, enter into mutual or reciprocal aid agreements or compacts with other states or the Federal Government, either on a statewide or political subdivision basis. Prior to committing the personnel, equipment or facilities of any political subdivision of this State, the Governor shall consult with and obtain the approval of the law enforcement executive and the chief executive of each of the political subdivisions affected.

2. Such agreements shall be limited to furnishing or exchange of:

(a) Police services;

(b) Personnel necessary to provide or conduct such services; and

(c) Such other supplies, equipment, facilities, personnel and services as are needed to support such services.

3. The agreements may relate to the terms and conditions of mutual or reciprocal aid and to reimbursement of costs and expenses for equipment, supplies, personnel and similar items for ~~[mobile support units]~~ *incident management assistance teams* and police units.

4. Any such agreement may not extend beyond the elected term of the Governor of this State who entered into such agreement.

Sec. 4. This act becomes effective on July 1, 2019.

Senator Parks moved that the Senate concur in Assembly Amendment No. 714 to Senate Bill No. 15.

Remarks by Senator Parks.

Assembly Amendment No. 714 to Senate Bill No. 15 removes the names of specific volunteer organizations.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 33.

The following Assembly amendment was read:

Amendment No. 735.

SUMMARY—Revises provisions governing enforcement of child support obligations. (BDR 38-199)

AN ACT relating to the support of children; imposing certain requirements on insurers relating to certain claimants owing past-due child support; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a duty on the parent of a child to support his or her child. (NRS 125B.020, 425.350) Under existing law, if a parent or other person with custody of a child receives public assistance in his or her own behalf or in behalf of the child: (1) the parent or other person is deemed to have assigned his or her right to child support from any other person to the Division of Welfare and Supportive Services of the Department of Health and Human Services to the extent of the public assistance received; and (2) the Division is entitled to any child support to which the parent or other person is entitled to the extent of the public assistance provided by the Division. (NRS 425.350, 425.360) Existing law also establishes a Program to locate absent parents, establish paternity and obtain child support, and enforce child support. (42 U.S.C. §§ 651 et seq.; NRS 425.318)

Section 1 of this bill requires certain insurers to exchange information, either directly or through ~~[Insurance Services Office, Inc.,]~~ an insurance claim data collection organization approved by the Division, with the Program not less than 5 days after opening certain bodily injury, wrongful death, workers' compensation or life insurance claims for the purpose of verifying whether the claimant owes a debt for child support to the Division or to a person receiving services from the Program. If periodic payments will be made to the claimant, the insurer is required to make this exchange of information only before the initial payment. If an insurer is notified that the claimant owes any such debt for support, the insurer is required, upon receipt of a notice identifying the amount of debt owed, to: (1) withhold from payment on the claim the amount specified in the notice; and (2) remit the amount withheld from payment to the Division, its designated representative or the prosecuting attorney within 30 days. However, section 1 requires the Division, its designated representative or the prosecuting attorney to give any item, claim or demand for attorney's fees or costs, medical expenses or property damage priority over any amount to be withheld and remitted to the Division, its designated representative or the prosecuting attorney. If an insurer withholds and remits any such money to the Division, its representative or the prosecuting attorney, the insurer is required to notify the claimant and his or her attorney, if known to the insurer, of that fact.

Section 2 of this bill provides that this bill becomes effective on January 1, 2020.

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

Section 1. Chapter 425 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 7 and 8, each insurer shall, not later than 5 days after opening a tort liability claim for bodily injury or wrongful death, a workers' compensation claim or a claim under a policy of life insurance, exchange information with the Program in the manner prescribed by the Division to verify whether the claimant owes debt for the support of one or more children to the Division or to a person receiving services from the Program. To the extent feasible, the Division shall facilitate a secure electronic process to exchange information with insurers pursuant to this subsection. The obligation of an insurer to exchange information with the Program is discharged upon complying with the requirements of this subsection.

2. Except as otherwise provided in subsections 4 and 6, if an insurer is notified by the Program that a claimant owes debt for the support of one or more children to the Division or to a person receiving services from the Program, the insurer shall, upon receipt of a notice issued by the enforcing authority identifying the amount of debt owed pursuant to chapter 31A of NRS:

(a) Not later than 5 days after receiving notice from the enforcing authority, notify the claimant and his or her attorney, if known to the insurer, of the debt owed;

(b) Withhold from payment on the claim the amount specified in the notice; and

(c) Remit the amount withheld from payment to the enforcing authority within 30 days.

3. If an insurer withholds any money from payment on a claim and remits the money to the enforcing authority pursuant to subsection 2, the insurer shall notify the claimant and his or her attorney, if known to the insurer, of that fact.

4. The enforcing authority shall give any lien, claim or demand for attorney's fees or costs, medical expenses or property damage, including, without limitation, a demand for attorney's fees or costs incurred in connection with compensation that is subject to the provisions of NRS 616C.205, priority over any withholding of payment pursuant to subsection 2.

5. Any information obtained pursuant to this section must be used only for the purpose of carrying out the provisions of this section. Notwithstanding the provisions of this subsection, an insurer <u>*or an insurance claim data collection organization approved by the Division or other entity that performs the functions described in subsection 8*</u> *may not be held liable in any civil or criminal action for any act made in good faith pursuant to this section, including, without limitation:*

(a) Any disclosure of information to the Division or to the Program; or

(b) The withholding of any money from payment on a claim or the remittance of such money to the enforcing authority.

6. An insurer shall not delay the disbursement of a payment on a claim to comply with the requirements of this section. An insurer is not required to comply with subsection 2 if the notice issued by the enforcing authority is received by the insurer after the insurer has disbursed the payment on the claim. In the case of a claim that will be paid through periodic payments, the insurer:

(a) Is not required to comply with the provisions of subsection 2 with regard to any payments on the claim disbursed to the claimant before the notice was received by the insurer; and

(b) Must comply with the provisions of subsection 2 with regard to any payments on the claim scheduled to be made after the receipt of the notice.

7. If periodic payments will be made to a claimant, an insurer is only required to engage in the exchange of information pursuant to subsection 1 before issuing the initial payment.

8. Except as otherwise provided in this subsection, if an insurer reports information concerning claimants to ~~[Insurance Services Office, Inc.,]~~ an insurance claim data collection organization approved by the Division, the insurer may comply with the requirements of this section by authorizing ~~[Insurance Services Office, Inc.,]~~ the insurance claim data collection organization to provide claimant information to the federal Office of Child Support Enforcement of the Administration for Children and Families of the United States Department of Health and Human Services, the Program or a designee identified by the Program for the sole purpose of complying with this section. If ~~[Insurance Services Office, Inc. ceases to exist or ceases to receive information relating to claimants reported by insurers,]~~ no insurance claim data collection organization is approved by the Division, an insurer may comply with the requirements of this section by authorizing ~~[a person]~~ an entity determined by the Division to perform the same function as ~~[Insurance Services Office, Inc.]~~ an insurance claim data collection organization to provide claimant information to the federal Office of Child Support Enforcement, the Program or a designee identified by the Program for the sole purpose of complying with this section.

9. As used in this section:

(a) "Claimant" means any person who:

(1) Brings a tort liability claim for bodily injury or wrongful death against an insured under a casualty insurance policy, as defined in NRS 681A.020, or a property insurance policy, as defined in NRS 681A.060;

(2) Is a beneficiary under a life insurance policy; or

(3) Is receiving workers' compensation benefits.

(b) "Claim for bodily injury" does not include a claim for uninsured or underinsured vehicle coverage or medical payments coverage under a motor vehicle liability policy.

(c) "Insurance claim data collection organization" means an organization that maintains a centralized database of information concerning insurance claims to assist insurers that subscribe to the database in processing claims and detecting and preventing fraud.

(d) "Insurer" means:

(1) A person who holds a certificate of authority to transact insurance in this State pursuant to NRS 680A.060.

(2) A nonadmitted insurer, as defined in NRS 685A.0375, with whom nonadmitted insurance, as defined in NRS 685A.037, is placed.

(3) The Nevada Insurance Guaranty Association created by NRS 687A.040.

Sec. 2. This act becomes effective on January 1, 2020.

Senator Ratti moved that the Senate concur in Assembly Amendment No. 735 to Senate Bill No. 33.

Remarks by Senator Ratti.

Amendment No. 735 to Senate Bill No. 33 makes two changes. It replaces references to Insurance Services Office, Inc. with the more generic "insurance claim data collection organization" and defines insurance claim data collection organization to mean an organization that maintains a centralized database of information concerning insurance claims to assist insurers who subscribe to the database in processing claims and detecting and preventing fraud.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 35.

The following Assembly amendment was read:

Amendment No. 715.

SUMMARY—Creates the Nevada Resilience Advisory Committee. (BDR 19-357)

AN ACT relating to public safety; creating the Nevada Resilience Advisory Committee; setting forth the membership and duties of the Committee; providing certain exceptions to the open meeting law; requiring the Nevada Resilience Advisory Committee to prepare an annual report and submit the annual report to certain entities; authorizing the Nevada Resilience Advisory Committee to appoint subcommittees in certain situations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

On March 12, 2018, Governor Sandoval signed Executive Order 2018-4, "Implementation of Nevada's Statewide Resilience Strategy." Executive Order 2018-4 required the Co-Chairs of the Homeland Security Working Group of the Nevada Commission on Homeland Security to develop a statewide 5-year resilience strategy to be considered by the Commission. The Order additionally required the Co-Chairs of the Homeland Security Working Group to provide recommendations through the resilience strategy for: (1) streamlining the commissions, boards and committees which advise the Division of Emergency Management of the Department of Public Safety; (2) streamlining grant processes to sustain the emergency management and

homeland security capacity of Nevada; and (3) incentives for local partners to participate in resilience models, among other requirements.

These requirements were addressed in the Statewide Resilience Strategy, published on July 1, 2018. The Statewide Resilience Strategy made recommendations that this State establish a public body in statute that: (1) consolidates several existing boards and commissions relating to emergency management; (2) coordinates grants and other efforts with respect to resilience programs; (3) may establish subordinate public bodies; and (4) provides an annual report to the Nevada Commission on Homeland Security.

Section 2 of this bill creates the Nevada Resilience Advisory Committee. Section 2 provides that: (1) with the approval of the Director of the Department of Public Safety, the Chief of the Division shall appoint not more than 34 voting members to the Committee; (2) with the approval of the Director of the Department of Public Safety, the Chief of the Division or his or her designee serves as the Chair of the Committee; and (3) each appointed voting member of the Committee, other than the Chair, serves a term of 2 years [.] and may be reappointed.

Sections 3-10 of this bill provide various requirements and duties of the Nevada Resilience Advisory Committee. Section 3 of this bill requires the Committee to hold a meeting at least once a month. Section 4 of this bill authorizes the Committee to hold a closed meeting for sensitive issues relating to emergency management or homeland security, as determined by the Committee. Sections 11 and 12 of this bill make conforming changes. Section 5 of this bill provides that a member of the Committee or any subcommittee formed pursuant to section 7 of this bill is not compensated for his or her services as a member of the Committee or the subcommittee. Section 5 further provides that a member of the Committee or subcommittee who is a public employee must: (1) be granted administrative leave from his or her duties to engage in the business of the Committee or subcommittee; and (2) receive the per diem allowance and travel expenses provided for state officers and employees generally from the state agency or political subdivision which employs him or her.

Section 6 of this bill sets forth the duties of the Nevada Resilience Advisory Committee, including requiring the Committee to: (1) annually develop state resilience goals and related objectives for the Committee; (2) review and make recommendations concerning certain grants and the coordination of statewide mitigation, preparedness, response and recovery efforts; and (3) develop an annual report. Section 10 of this bill provides that this annual report must include activities, any assessments of programs and processes and any recommendations based on activities and assessments of the Committee during the preceding calendar year. Section 10 additionally requires that this annual report be submitted to the Nevada Commission on Homeland Security, the Governor and the Director of the Legislative Counsel Bureau. Section 7 authorizes the Committee to appoint any subcommittee that is deemed necessary by the Committee. Section 7 requires such subcommittees to have a

specific objective and operate for not more than 6 months, unless an extension is approved by the Committee. Section 8 of this bill requires the Chief of the Division to provide staff to assist in carrying out the duties of the Committee. Section 9 of this bill authorizes the Committee to apply for and receive gifts, grants, contributions or other money from various entities to carry out the provisions of this bill.

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

Section 1. Chapter 239C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *1. The Nevada Resilience Advisory Committee is hereby created.*

2. With the approval of the Director of the Department of Public Safety, the Chief of the Division shall appoint to the Committee not more than 34 voting members that the Chief determines to be appropriate and who have expertise in:

(a) Emergency management;

(b) Homeland security;

(c) Public safety;

(d) Cybersecurity;

(e) School safety; or

(f) Public health.

3. With the approval of the Director of the Department of Public Safety, the Chief or his or her designee shall:

(a) Serve as the Chair and a voting member of the Committee; and

(b) Appoint one voting member of the Committee to serve as Vice Chair.

4. The term of office of each voting member of the Committee is 2 years. This term limit does not apply to the Chair. A member may be reappointed.

Sec. 3. *1. The Nevada Resilience Advisory Committee shall meet at the call of the Chair of the Committee as frequently as required to perform its duties, but not less than once a month.*

2. A majority of the voting members of the Committee constitutes a quorum for the transaction of business, and a majority of those voting members present at any meeting is sufficient for any official action taken by the Committee.

Sec. 4. *1. Except as otherwise provided in subsections 2 and 3, the Nevada Resilience Advisory Committee and any subcommittee formed pursuant to section 7 of this act shall comply with the provisions of chapter 241 of NRS and shall conduct all meetings in accordance with that chapter.*

2. The Committee and, with the prior approval of the Committee, any subcommittee formed pursuant to section 7 of this act may hold a closed meeting for sensitive issues relating to emergency management or homeland security if the Committee or subcommittee, as applicable, determines that the public disclosure of such matters would be likely to compromise, jeopardize or otherwise threaten the safety of the public.

3. Except as otherwise provided in NRS 239.0115, all information and materials received or prepared by the Committee and any subcommittee formed pursuant to section 7 of this act during a meeting closed pursuant to subsection 2 and all minutes and audiovisual or electronic reproductions of such a meeting are confidential, are not subject to subpoena or discovery and are not subject to inspection by the general public.

Sec. 5. *1. A member of the Nevada Resilience Advisory Committee or any subcommittee formed pursuant to section 7 of this act may not receive any compensation for his or her services as a member of the Committee or the subcommittee.*

2. Any member of the Committee or any subcommittee formed pursuant to section 7 of this act who is a public employee must be granted administrative leave from his or her duties to engage in the business of the Committee or subcommittee, as applicable, without loss of his or her regular compensation. Such leave does not reduce the amount of his or her other accrued leave.

3. Each member of the Committee or any subcommittee formed pursuant to section 7 of this act is entitled, while engaged in the business of the Committee or subcommittee, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Committee or subcommittee who is an officer or employee of the State of Nevada or a political subdivision of this State must be paid by the state agency or political subdivision which employs him or her.

Sec. 6. *The Nevada Resilience Advisory Committee shall, within the limits of available money:*

1. Annually develop state resilience goals and related objectives for the Committee;

2. Formulate advisory recommendations and policies regarding the emergency management, emergency response and homeland security efforts for the State, as well as statewide mitigation, preparedness, response and recovery efforts;

3. In accordance with the state resilience goals and related objectives developed pursuant to subsection 1:

(a) Review grants proposed by state agencies, political subdivisions or tribal governments that are responsible for homeland security and make recommendations and provide related advice concerning such grants to the Committee on Finance appointed pursuant to NRS 239C.170;

(b) Review grants proposed by agencies of this State, political subdivisions or tribal governments that are responsible for emergency management or emergency response and make recommendations and provide related advice concerning such grants to the Chief of the Division; and

(c) Review statewide mitigation, preparedness, response and recovery efforts in consultation with political subdivisions and tribal governments and make recommendations to such political subdivisions and tribal governments concerning these coordination efforts; and

4. Develop the annual report required pursuant to section 10 of this act.

Sec. 7. *1. Subject to the provisions of subsection 2, the Nevada Resilience Advisory Committee may appoint any subcommittee deemed necessary by the Committee to assist in carrying out the duties of the Committee.*

2. The Committee may appoint not more than two subcommittees at any time.

3. Each subcommittee formed pursuant to subsection 1 must:

(a) Have a specific objective; and

(b) Operate for not more than 6 months, unless an extension is approved by the Committee.

4. The Chair of the Committee shall appoint to a subcommittee formed pursuant to subsection 1 the number of voting members that the Chair of the Committee determines to be appropriate. The Chair may appoint any person the Chair deems appropriate to serve on a subcommittee, except that a subcommittee must include at least one member of the Committee.

5. At the first meeting of the subcommittee and, if an extension is approved pursuant to paragraph (b) of subsection 3, every 6 months thereafter, a subcommittee formed pursuant to subsection 1 shall select a chair and a vice chair from the members of the subcommittee.

Sec. 8. *The Chief of the Division shall provide such staff assistance to the Nevada Resilience Advisory Committee as the Chief deems appropriate.*

Sec. 9. *The Nevada Resilience Advisory Committee may apply for and receive gifts, grants, contributions or other money from governmental and private agencies, affiliated associations and other persons to carry out the provisions of sections 2 to 10, inclusive, of this act and to defray expenses incurred by the Committee in the discharge of its duties.*

Sec. 10. *On or before February 1 of each year, the Nevada Resilience Advisory Committee shall:*

1. Prepare a report setting forth:

(a) The activities of the Committee which occurred during the preceding calendar year;

(b) Any assessments of the programs and processes conducted by the Committee to achieve the state resilience goals and related objectives developed pursuant to section 6 of this act and the capacity of such programs and processes;

(c) Any recommendations created by the Committee that are based on the activities and assessments conducted during the preceding calendar year; and

(d) A description of any matters with respect to which the Committee held a closed meeting or a closed portion of a meeting, as applicable, accompanied by an explanation of the reasons why the Committee determined that the meeting or portion thereof needed to be closed; and

2. Submit a copy of the report to:

(a) The Nevada Commission on Homeland Security;

(b) The Governor; and

(c) The Director of the Legislative Counsel Bureau for transmittal to:

(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(2) If the Legislature is not in session, the Legislative Commission.

Sec. 11. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846,

463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 4 of this act and* sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

information from the information included in the public book or record that is not otherwise confidential.

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

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

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

Sec. 12. NRS 241.016 is hereby amended to read as follows:

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

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

(a) The Legislature of the State of Nevada.

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

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

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and section 4 of this act,* which:

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

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

➥ prevails over the general provisions of this chapter.

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

Sec. 13. The provisions of subsection 1 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 14. This act becomes effective upon passage and approval.

Senator Parks moved that the Senate concur in Assembly Amendment No. 715 to Senate Bill No. 35.

Remarks by Senator Parks.

Amendment No. 715 to Senate Bill No. 35 allows for the reapportion of members of the Nevada Resilience Advisory Committee.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 66.

The following Assembly amendment was read:

Amendment No. 716.

SUMMARY—Revises provisions relating to emergency management. (BDR 36-356)

AN ACT relating to public safety; renaming the State Disaster Identification Team as the State Disaster Identification Coordination Committee; revising the membership and duties of the Committee; ~~[transferring the duty to adopt regulations governing the Committee from the Department of Public Safety to the Division of Emergency Management of the Department;]~~ revising requirements relating to the regulations governing the Committee; requiring providers of health care to report to the Committee certain information regarding any person who comes or is brought in for treatment of an injury which the provider concludes was inflicted as a result of certain emergencies or disasters or an illness which the provider concludes was contracted during certain health events; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the State Disaster Identification Team within the Division of Emergency Management of the Department of Public Safety and requires the State Disaster Identification Team to provide technical assistance and personnel to local authorities to recover, identify and process deceased victims during the existence of a state of emergency or a declaration of disaster or upon the request of a city or county in Nevada. (NRS 414.270, 414.280) Existing law also requires the Chief of the Division of Emergency Management to assign persons with expertise in various fields to the State Disaster Identification Team to perform these duties. (NRS 414.270) Existing law requires the Department of Public Safety to adopt regulations governing the State Disaster Identification Team and prescribes certain requirements for these regulations. (NRS 414.300)

Section 2 of this bill renames the State Disaster Identification Team as the State Disaster Identification Coordination Committee. Section 2 also: (1) revises the membership of the Committee; (2) requires the Committee to meet at least ~~[monthly;]~~ once each calendar quarter; and (3) provides that the Open Meeting Law does not apply to any meeting held by the Committee or any subcommittee thereof. Section 3 of this bill requires the Committee to: (1) annually report certain information to the Chief of the Division, the Governor and the Legislature; and (2) perform certain other duties relating to planning for activation. Section 4 of this bill ~~[transfers the duty to adopt regulations governing the Committee from the Department of Public Safety to the Division~~

~~of Emergency Management. (NRS 414.300)]~~ removes the specific requirements prescribed for regulations governing the Committee.

Section 1 of this bill authorizes the Chief of the Division of Emergency Management to activate the Committee or a subcommittee thereof during the existence of a state of emergency or declaration of disaster or a public health emergency or upon the request of a city or county in Nevada for an emergency in the city or county. Section 1 requires the Committee or a subcommittee thereof to perform specified duties to coordinate the sharing of information between state, local and tribal governmental agencies regarding persons who appear to have been injured or killed or contracted an illness as a result of the emergency or disaster in accordance with a confidential plan developed by the Committee. Sections 5-13 and 16 of this bill make conforming changes as a result of the change in the duties of the Committee from recovering, identifying and processing victims of an emergency or disaster itself to serving as a coordinator of information for agencies that are directly performing such recovery, identification and processing.

Providers of health care are required under existing law to report persons who come or are brought for treatment of burns and injuries from a knife or firearm in certain circumstances. (NRS 629.041, 629.045) Section 14 of this bill similarly requires providers of health care to report treatment of any person who comes or is brought in for treatment of an injury which the provider concludes was inflicted as a result of a declared emergency or disaster or illness which the provider concludes was contracted during a public health emergency to the State Disaster Identification Coordination Committee. Section 14 also grants a provider of health care and his or her agents and employees immunity from liability for any such disclosures made in good faith.

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

Section 1. Chapter 414 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chief may activate the State Disaster Identification Coordination Committee or any subcommittee thereof to coordinate the sharing of information among state, local and tribal governmental agencies regarding persons who appear to have been injured or killed or contracted an illness:

(a) During the existence of a state of emergency or declaration of disaster pursuant to NRS 414.070 or a public health emergency or other health event pursuant to NRS 439.970; or

(b) During an emergency in a political subdivision, upon the request of a political subdivision, if the Chief determines that the political subdivision requires the services of the Committee.

2. If activated pursuant to subsection 1, the State Disaster Identification Coordination Committee or subcommittee thereof shall:

(a) Determine which state, local or tribal governmental agencies have a legitimate need for the information received pursuant to section 14 of this act and distribute that information to those agencies.

(b) Determine the specific information a state, local or tribal governmental agency must share to assist other state, local or tribal governmental agencies to:

(1) Identify a person who appears to have been injured or killed or contracted an illness as a result of the emergency, disaster or other event;

(2) Notify members of the family of a person who appears to have been injured or killed or contracted an illness as a result of the emergency, disaster or other event; or

(3) Reunite a person who appears to have been injured or killed or contracted an illness as a result of the emergency, disaster or other event with members of his or her family.

(c) Establish a registry of persons who appear to have been injured or killed or contracted an illness as a result of the emergency, disaster or other event and make the registry available to state, local or tribal governmental agencies.

(d) Ensure compliance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and any applicable regulations and any other federal or state law.

Sec. 2. NRS 414.270 is hereby amended to read as follows:

414.270 *1.* A State Disaster Identification ~~[Team]~~ *Coordination Committee* is hereby established within the Division of Emergency Management of the Department of Public Safety. The Chief ~~[:~~

~~1. Shall assign persons with expertise in various fields]~~ *shall appoint* to the State Disaster Identification ~~[Team; and]~~ *Coordination Committee:*

(a) One or more representatives of a state or local organization for emergency management;

(b) One or more representatives of the office of a county coroner;

(c) One or more representatives of the Office of the Attorney General;

(d) One or more representatives of the Nevada Hospital Association or its successor organization;

(e) One or more representatives of a state or local public health agency whose duties relate to emergency preparedness;

(f) The Chief Medical Officer;

(g) An employee of the Department of Health and Human Services whose duties relate to ensuring compliance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and any applicable regulations; and

(h) A consumer of healthcare services.

2. ~~[May activate such persons to perform the duties of the State Disaster Identification Team:~~

~~(a) During a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070; or~~

~~(b) Upon the request of a political subdivision of this state if the Chief determines that the political subdivision requires the services of the State Disaster Identification Team.]~~ *The State Disaster Identification Coordination Committee shall meet at least once ~~[a month.]~~ each calendar quarter.*

3. The provisions of chapter 241 of NRS do not apply to any meeting held by the State Disaster Identification Coordination Committee or a subcommittee thereof.

Sec. 3. NRS 414.280 is hereby amended to read as follows:

414.280 ~~[Upon activation, the]~~ *The* State Disaster Identification ~~[Team]~~ *Coordination Committee* shall:

1. ~~[Provide technical assistance and personnel to local authorities to recover, identify and process deceased victims.]~~ *Notify providers of health care, as defined in NRS 629.031, in writing of the requirements of section 14 of this act.*

2. ~~[Within 2 hours after activation, begin to identify and report to the Chief the need for medical and health services to:~~

~~(a) Establish temporary facilities to be used as a morgue.~~

~~(b) Identify deceased victims by using, without limitation, latent fingerprints and the forensic methods of dentistry, pathology and anthropology.~~

~~(c) Process and dispose of the remains of deceased victims.]~~ *Develop a plan for performing the duties prescribed in section 1 of this act during activation. Such a plan is confidential and must be securely maintained by each person who has possession, custody or control of the plan.*

3. Annually review the plan developed pursuant to subsection 2 and annually practice carrying out the plan.

4. On or before January 31 of each year, submit a report to the Chief, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature, if the report is submitted in an even-numbered year, or the Legislative Commission, if the report is submitted in an odd-numbered year. The report must include, without limitation:

(a) A description of the activities of the State Disaster Identification Coordination Committee for the immediately preceding calendar year; and

(b) A summary of any policies or procedures adopted by the State Disaster Identification Coordination Committee for the immediately preceding calendar year.

Sec. 4. NRS 414.300 is hereby amended to read as follows:

414.300 The ~~*[Division of Emergency Management of the]*~~ Department of Public Safety shall adopt *such* regulations ~~[to]~~ *as are necessary to* govern the State Disaster Identification ~~[Team. The regulations must include, without limitation:~~

~~1. Guidelines for the Chief to:~~

~~(a) Assign persons to positions on the State Disaster Identification Team; and~~

~~(b) Determine which members of the State Disaster Identification Team may be activated pursuant to NRS 414.270.~~

~~2. Provisions governing the organization, administration and operation of the State Disaster Identification Team.~~

~~3. The compensation, if any, to be paid by the Department to a member of the State Disaster Identification Team who is activated pursuant to NRS 414.270.]~~ *Coordination Committee.*

Sec. 5. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

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

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

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

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

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

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

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

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

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

(1) Records of criminal history; and

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

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

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

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

6. The Division may:

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

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

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

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

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

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

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

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

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

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

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

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

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

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

(1) Arrest; or

(2) Criminal investigation,

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

8. The Central Repository shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. The Central Repository may:

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

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

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

10. As used in this section:

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

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

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

(2) A biometric identifier of a person.

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

Sec. 6. NRS 179A.100 is hereby amended to read as follows:

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

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

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

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

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

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

(c) Reported to the Central Repository.

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

(a) Reflect convictions only; or

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

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

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

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

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

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

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

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

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

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

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

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

(l) Any reporter or editorial employee who is employed or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station who requests a record of a named person or aggregate information for statistical purposes, excluding any personal identifying information, in a professional capacity for communication to the public.

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

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

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

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

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

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

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

~~(t)]~~ The Commissioner of Insurance.

~~[(u)]~~ *(t)* The Board of Medical Examiners.

~~[(v)]~~ *(u)* The State Board of Osteopathic Medicine.

~~[(w)]~~ *(v)* The Board of Massage Therapy and its Executive Director.

~~[(x)]~~ *(w)* The Board of Examiners for Social Workers.

~~[(y)]~~ *(x)* The State Board of Cosmetology and its Executive Director.

~~[(z)]~~ *(y)* The Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

~~[(aa)]~~ *(z)* A county coroner or medical examiner, as needed to conduct an investigation of the death of a person.

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

Sec. 7. NRS 179A.140 is hereby amended to read as follows:

179A.140 1. Except as otherwise provided in this section, an agency of criminal justice may charge a reasonable fee for information relating to records of criminal history provided to any person or governmental entity.

2. An agency of criminal justice shall not charge a fee for providing such information to another agency of criminal justice if the information is provided for purposes of the administration of criminal justice . ~~[, or for providing such information to the State Disaster Identification Team of the Division of Emergency Management of the Department.]~~

3. The Central Repository shall not charge such a fee:

(a) For information relating to a person regarding whom the Central Repository provided a similar report within the immediately preceding 90 days in conjunction with the application by that person for professional licensure; or

(b) For information provided to any organization that meets the criteria established by regulation pursuant to paragraph (b) of subsection 5 of NRS 179A.310.

4. The Director may request an allocation from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 to cover the costs incurred by the Department to carry out the provisions of paragraph (b) of subsection 3.

5. All money received or collected by the Department pursuant to this section must be used to defray the cost of operating the Central Repository.

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,

128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, *414.280*, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050,

645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 9. NRS 241.016 is hereby amended to read as follows:

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

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

(a) The Legislature of the State of Nevada.

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

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

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, *414.270*, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

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

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

➥ prevails over the general provisions of this chapter.

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

Sec. 10. NRS 289.270 is hereby amended to read as follows:

289.270 1. The following persons have the powers of a peace officer:

(a) The Director of the Department of Public Safety.

(b) The chiefs of the divisions of the Department of Public Safety.

(c) The deputy directors of the Department of Public Safety employed pursuant to NRS 480.120.

(d) The sworn personnel of the Department of Public Safety.

~~[(e) Members of the State Disaster Identification Team of the Division of Emergency Management of the Department of Public Safety who are, pursuant to NRS 414.270, activated by the Chief of the Division to perform the duties of the State Disaster Identification Team have the powers of peace officers in carrying out those duties.]~~

2. Administrators and investigators of the Division of Compliance Enforcement of the Department of Motor Vehicles have the powers of a peace officer to enforce any law of the State of Nevada in carrying out their duties pursuant to NRS 481.048.

3. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles, appointed pursuant to NRS 481.0481, have the powers of peace officers in carrying out their duties under that section.

Sec. 11. NRS 289.550 is hereby amended to read as follows:

289.550 1. Except as otherwise provided in subsection 2 and NRS 3.310, 4.353, 258.007 and 258.060, a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.

2. The following persons are not required to be certified by the Commission:

(a) The Chief Parole and Probation Officer;

(b) The Director of the Department of Corrections;

(c) The Director of the Department of Public Safety, the deputy directors of the Department ~~[,]~~ *and* the chiefs of the divisions of the Department other than the Investigation Division and the Nevada Highway Patrol *;* ~~[, and the members of the State Disaster Identification Team of the Division of Emergency Management of the Department;]~~

(d) The Commissioner of Insurance and the chief deputy of the Commissioner of Insurance;

(e) Railroad police officers; and

(f) California correctional officers.

Sec. 12. NRS 289.800 is hereby amended to read as follows:

289.800 In addition to the compensation required by NRS 281.121, a state agency that employs a person:

1. Upon whom some or all of the powers of a peace officer are conferred pursuant to:

(a) Subsection 1 of NRS 289.180 ~~[,]~~ *or* subsection 1 of NRS 289.220 *;* ~~[or paragraph (e) of subsection 1 of NRS 289.270;]~~ or

(b) Paragraph (d) of subsection 1 of NRS 289.270 and who is employed by the Nevada Highway Patrol; and

2. Who is required to purchase and wear a uniform or other clothing, accessories or safety equipment while performing the person's duties for the State as a peace officer,

➥ may, after first obtaining the written approval of the Director of the Office of Finance, reimburse that person for the cost to repair or replace the person's required uniform or other clothing, accessories or safety equipment if it is damaged or destroyed, by means other than ordinary wear and tear, while the person is performing the person's duties for the State as a peace officer.

Sec. 13. NRS 432.170 is hereby amended to read as follows:

432.170 1. The Attorney General shall:

(a) Establish a program to coordinate activities and information in this State concerning missing or exploited children; and

(b) Appoint a Director to administer the provisions of the program.

2. The Director is in the unclassified service of the State. To assist the Director in carrying out the provisions of NRS 432.150 to 432.220, inclusive, the Attorney General may appoint such assistants or investigators as deemed necessary by the Attorney General.

3. The Director may:

(a) Assist any public or private school in establishing a program of information about missing or exploited children by providing, free of charge, materials, publications and instructional aids relating to:

(1) Offenses under federal and state law regarding missing or exploited children and the abuse or neglect of children.

(2) Governmental and private agencies and programs for locating and identifying missing or exploited children, preventing the abduction or disappearance of children and preventing the abuse or neglect of children.

(3) Methods of preventing the abduction or disappearance of children.

(4) Techniques for the investigation of cases involving missing or exploited children.

(5) Any other issue involving missing or exploited children.

(b) Develop and maintain a system of information concerning missing or exploited children, including information concerning public or private resources which may be available to such children and their families.

(c) Accept gifts or donations on behalf of the Clearinghouse which must be accounted for separately and used by the Director in carrying out the provisions of NRS 432.150 to 432.220, inclusive.

(d) Enter into agreements with regional and national organizations for assistance and exchange of information concerning missing or exploited children.

(e) Assist in the investigation of children who are reported missing in this State or who are reported abducted or taken from this State.

4. The Director may provide the materials, publications and instructional aids identified in paragraph (a) of subsection 3 to any other person or governmental agency for a reasonable fee not to exceed the cost of preparing the materials.

~~[5. The Director shall, upon request, provide records regarding a missing child to the State Disaster Identification Team of the Division of Emergency Management of the Department of Public Safety.]~~

Sec. 14. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent feasible, every provider of health care to whom any person comes or is brought for the treatment of an injury which the provider concludes was inflicted during the existence of a state of emergency or declaration of disaster pursuant to NRS 414.070 or an illness which the provider concludes was contracted during a public health emergency or other health event pursuant to NRS 439.970 shall submit a written report electronically to the State Disaster Identification Coordination Committee on a form prescribed by the State Disaster Identification Coordination Committee.

2. The report required by subsection 1 must include, without limitation:

(a) The name, address, telephone number and electronic mail address of the person treated, if known;

(b) The location where the person was treated; and

(c) The character or extent of the injuries or illness of the person treated.

3. A provider of health care and his or her agents and employees are immune from any civil action for any disclosures made in good faith in accordance with the provisions of this section.

Sec. 15. 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. 16. NRS 414.290 is hereby repealed.

Sec. 17. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

414.290 Access to certain records and information when carrying out duties. In carrying out its duties pursuant to NRS 414.280, the State Disaster Identification Team may have access to:

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

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

3. The records of missing children maintained by the Attorney General pursuant to NRS 432.170.

Senator Parks moved that the Senate concur in Assembly Amendment No. 716 to Senate Bill No. 66.

Remarks by Senator Parks.

Amendment No. 716 to Senate Bill No. 66 restores the authority of the Department of Public Safety to adopt regulations instead of transferring the duty to the Division of Emergency Management and authorizes the State Disaster Identification Coordination Committee to meet at least once a quarter.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 67.

The following Assembly amendment was read:

Amendment No. 797.

SUMMARY—Revises provisions governing local emergency management. (BDR 36-355)

AN ACT relating to emergency management; creating the Nevada Tribal Emergency Coordinating Council; prescribing the membership and duties of the Council; revising provisions governing a local organization for emergency management; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Chief of the Division of Emergency Management of the Department of Public Safety to coordinate the activities of all

organizations for emergency management within Nevada. (NRS 414.040) Section 1 of this bill creates the Nevada Tribal Emergency Coordinating Council within the Division. Section 1 requires the Chief of the Division to appoint not more than 27 members to the Council, each of whom must ~~[be a member of]~~ represent a different federally recognized Indian tribe or nation which is located within Nevada. Section 1 requires the Council to: (1) advise the Chief regarding emergency management on tribal lands; (2) assist in the coordination of mitigation, preparedness, response and recovery activities relating to an emergency on tribal lands; and (3) submit an annual report to the Chief detailing the Council's activities during the immediately preceding calendar year and recommendations relating to emergency management on tribal lands.

Existing law authorizes each county and city in Nevada to establish a local organization for emergency management. A local organization for emergency management is responsible for performing functions of emergency management within the territorial limits of the political subdivision within which it is organized and, if required, outside those territorial limits. (NRS 414.090) Section 2 of this bill makes it mandatory for a county to establish a local organization for emergency management, but, in lieu of each county establishing its own local organization for emergency management, section 2 authorizes the boards of county commissioners of two or more counties to enter into an interlocal agreement establishing one local organization for emergency management for all the counties that are parties to the agreement.

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

Section 1. Chapter 414 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Nevada Tribal Emergency Coordinating Council, consisting of not more than 27 members appointed by the Chief, is hereby created within the Division of Emergency Management of the Department of Public Safety. The Chief shall appoint each member from a different federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State. ~~[Not more than one]~~ A member of the Council may ~~[be from the same]~~ not represent more than one federally recognized Indian tribe or nation.

2. The term of office of each member of the Council is 2 years.

3. The Council shall meet at the call of the Chief and at least once every 3 months.

4. The Division of Emergency Management shall provide the Council with administrative support.

5. The Council shall:

(a) Advise the Chief regarding emergency management on tribal lands;

(b) Assist in the coordination of mitigation, preparedness, response and recovery activities related to an emergency on tribal lands; and

(c) Submit an annual report to the Chief on or before January 31 of each year which must include, without limitation:

(1) A summary of the activities of the Council during the immediately preceding calendar year; and

(2) Recommendations relating to emergency management on tribal lands.

6. The Attorney General shall enter into any agreements necessary to carry out the provisions of this section.

Sec. 2. NRS 414.090 is hereby amended to read as follows:

414.090 1. ~~[Each political subdivision]~~ *Except as otherwise provided in subsection 2, each county of this state shall, and each city* of this state may , establish a local organization for emergency management in accordance with the state emergency management plan and program for emergency management. Such a political subdivision may confer or authorize the conferring upon members of the auxiliary police the powers of police officers, subject to such restrictions as it imposes. Each local organization for emergency management must have a director who must be appointed by the executive officer or governing body of the political subdivision, and who has direct responsibility for the organization, administration and operation of the local organization for emergency management subject to the direction and control of the executive officer or governing body. Each local organization for emergency management shall perform functions of emergency management within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of NRS 414.100.

2. *In lieu of establishing a local organization for emergency management pursuant to subsection 1, the boards of county commissioners of two or more counties may enter into an interlocal agreement that:*

(a) Establishes a local organization for emergency management for the counties that are parties to the agreement; and

(b) Ensures compliance with the requirements of subsection 1.

3. In carrying out the provisions of this chapter, each political subdivision in which any emergency or disaster described in NRS 414.020 occurs may enter into contracts and incur obligations necessary to combat such an emergency or disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such an emergency or disaster. Each political subdivision may exercise the powers vested under this section in the light of the exigencies of the extreme emergency or disaster without regard to time-consuming procedures and formalities prescribed by law, except constitutional requirements, pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditure of public funds.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. This act becomes effective upon passage and approval.

Senator Parks moved that the Senate concur in Assembly Amendment No. 797 to Senate Bill No. 67.

Remarks by Senator Parks.

Amendment No. 797 to Senate Bill No. 67 clarifies that each member of the Council may not represent more than one federally recognized Indian tribe or nation.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 131.

The following Assembly amendment was read:

Amendment No. 779.

SUMMARY—Revises provisions relating to the resale of tickets to an athletic contest or live entertainment event. (BDR 52-64)

AN ACT relating to trade practices; establishing additional requirements related to the resale of tickets to an athletic contest or live entertainment event; revising provisions governing ~~[the recovery which a plaintiff may be awarded in a]~~ civil ~~[action]~~ actions for a violation of certain requirements related to the resale of tickets to an athletic contest or live entertainment event; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a number of deceptive trade practices, including, without limitation, knowing violations of requirements related to the resale of tickets to athletic contests and live entertainment events. (NRS 598.09223, 598.397-598.3984) Under existing law, the Attorney General, the Commissioner of Consumer Affairs and the Director of the Department of Business and Industry are authorized to investigate deceptive trade practices and take certain actions to penalize persons who commit a deceptive trade practice, which may include, without limitation, criminal prosecution and the imposition of civil penalties. (NRS 598.0903-598.0999) This bill imposes additional requirements related to the sale of tickets to athletic contests and live entertainment events and makes a knowing violation of those requirements a deceptive trade practice.

Section 3 of this bill prohibits a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange from reselling a ticket without disclosing the total amount to be charged for the ticket, including a disclosure of the fees to be charged.

Section 6 of this bill requires a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange to display within the top 20 percent of each page of his or her website a notice that the website belongs to a reseller, a secondary ticket exchange or an affiliate of a reseller or secondary ticket exchange. Section 6 also prohibits a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange from

advertising or representing on its Internet website that the reseller, secondary ticket exchange or affiliate of the reseller or secondary ticket exchange is a person who has the right to make the initial sale of a ticket to a consumer or who has the initial ownership rights to a ticket before its public sale, without contractual authorization to do so from the person or entity who has the initial ownership rights to the ticket before its public sale.

Section 7 of this bill prohibits a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange from reselling a ticket without first disclosing to the purchaser the location in the entertainment facility of the seat or the general admission area to which the ticket corresponds. Section 7 also prohibits a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange from reselling a ticket or advertising a ticket for resale unless the reseller has the ticket in his or her possession or constructive possession, or has a written contract to obtain the ticket from a person who has the initial ownership rights to sell a ticket prior to its public sale. Section 7 also prohibits a primary ticket provider, a reseller, a secondary ticket exchange or any affiliate of a primary ticket provider, a reseller or a secondary ticket exchange from reselling a ticket before the ticket has been made available to the public by the person who has the initial ownership rights to the ticket before its public sale without first obtaining authorization to do so from the person or entity who has initial ownership rights to the ticket before its public sale.

Existing law prohibits a person from using an Internet robot to circumvent any portion of the process for purchasing a ticket on an Internet website or to disguise the identity of a ticket purchaser so as to purchase a number of tickets exceeding the maximum number of tickets allowed for purchase by a person. (NRS 598.398) Section 8 of this bill prohibits a person from reselling or offering for resale a ticket that was obtained in violation of these provisions on the misuse of Internet robots if the person participated in or had the ability to control the conduct which constituted the violation or knew ~~[or reasonably should have known]~~ that the ticket was acquired in violation of the prohibition on the misuse of Internet robots.

Existing law authorizes a person injured by any violation of the requirements related to ticket resales to bring a civil action to seek: (1) declaratory and injunctive relief; and (2) actual damages or $100, whichever is greater. (NRS 598.3982) Section 10 of this bill : (1) specifies that such an action may be brought in district court; (2) increases the amount of damages that a person can seek for a first violation of the requirements related to ticket resales ; and (3) provides for increasing damages and penalties for each subsequent violation. Section 10 also specifies the county in which such an action may be brought.

Existing law requires the Bureau of Consumer Protection in the Office of the Attorney General to establish a statewide hotline and Internet website by which a person can file a complaint related to a deceptive trade practice involving ticket resellers and secondary ticket exchanges. (NRS 598.3981)

Section 9 of this bill requires the statewide hotline and Internet website to provide information and directions regarding the preferred method for filing such a complaint. Section 9 also requires that any form made available by the Bureau of Consumer Protection for receiving such complaints be ~~[no longer than two pages and be]~~ designed specifically for receiving such complaints.

Sections 1.5, 2, 4, 5, 11 and 12 of this bill define terms and make conforming changes.

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

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5, 2 and 3 of this act.

Sec. 1.5. *"Primary ticket provider" means any person or entity who is authorized by a written contract with a rights holder to make the initial sale to a consumer of a ticket to an athletic contest or live entertainment event.*

Sec. 2. *"Rights holder":*

1. Means any person or entity who has the initial ownership rights to sell a ticket to an athletic contest or live entertainment event for which tickets for entry by the public are required.

2. Does not include a primary ticket provider, unless the primary ticket provider is also the rights holder.

Sec. 3. *A reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange shall not resell a ticket, in person or remotely, without first disclosing to the purchaser the total amount that the purchaser will be charged for the ticket, including any fees which represent a portion of the total amount to be charged.*

Sec. 4. NRS 598.09223 is hereby amended to read as follows:

598.09223 A person engages in a "deceptive trade practice" when, in the course of his or her business or occupation, he or she knowingly violates a provision of NRS 598.397 to 598.3984, inclusive ~~[.]~~ *, and sections 1.5, 2 and 3 of this act.*

Sec. 5. NRS 598.397 is hereby amended to read as follows:

598.397 As used in NRS 598.397 to 598.3984, inclusive, *and sections 1.5, 2 and 3 of this act,* unless the context otherwise requires, the words and terms defined in NRS 598.3971 to 598.3977, inclusive, *and sections 1.5 and 2 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 598.3978 is hereby amended to read as follows:

598.3978 1. The Internet website of a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange must not display a trademarked or copyrighted URL, title, designation, image or mark or other symbol without the written consent of the trademark or copyright holder.

2. The Internet website of a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange must not use any combination of text, images, web designs or Internet addresses, or any combination thereof, which is substantially similar to the Internet website of

an entertainment facility, athletic contest or live entertainment event without permission.

3. *The Internet website of a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange must prominently display a notice identifying the Internet website as belonging to a reseller, a secondary ticket exchange or an affiliate of a reseller or secondary ticket exchange and must not, without contractual authorization from the rights holder, advertise or represent that the reseller, secondary ticket exchange or affiliate of the reseller or secondary ticket exchange is a rights holder or primary ticket provider. The notice required by this subsection must be displayed within the top 20 percent of each page of the Internet website in a font size that is not smaller than the font size used for the majority of text on that page.*

4. This section does not prohibit the use of text containing the name of the venue, artist, athletic contest or live entertainment event if such use is necessary to describe the athletic contest, the live entertainment event or the location of the athletic contest or live entertainment event.

~~[4.]~~ *5.* As used in this section:

(a) "Substantially similar" means that a reasonable person would believe that the Internet website is that of the entertainment facility, athletic contest or live entertainment event.

(b) "URL" means the Uniform Resource Locator associated with an Internet website.

Sec. 7. NRS 598.3979 is hereby amended to read as follows:

598.3979 ~~[A]~~

1. In addition to any other restrictions imposed by the rights holder, a reseller *, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange* shall not:

~~[1.]~~ *(a)* Resell more than one copy of the same ticket to an athletic contest or live entertainment event.

~~[2.]~~ *(b)* Employ another person directly or indirectly to wait in line to purchase tickets for the purpose of reselling the tickets if the practice is prohibited by the sponsor, organizer or promoter of the athletic contest or live entertainment event or if the venue at which the athletic contest or live entertainment event will occur has posted a policy prohibiting the practice.

(c) Resell a ticket without first informing the purchaser of the location in the entertainment facility of the seat or, if there is no assigned seat, the general admission area to which the ticket corresponds, including, without limitation, the ~~[seat,]~~ row and section number of the ticket, as applicable.

(d) Resell a ticket or advertise a ticket for resale, unless:

(1) The ticket is in the possession or constructive possession of the reseller; or

(2) The reseller has a written contract with the rights holder to obtain the ticket.

2. A primary ticket provider, a reseller, a secondary ticket exchange or any affiliate of a primary ticket provider, reseller or secondary ticket exchange shall not resell a ticket before the ticket has been made available to the public , including, without limitation, through a presale, fan club presale or any other promotional presale event, by the rights holder without first obtaining permission from the rights holder to do so.

Sec. 8. NRS 598.398 is hereby amended to read as follows:

598.398 *1.* A person shall not use an Internet robot to:

~~[1.]~~ *(a)* Circumvent any portion of the process for purchasing a ticket on an Internet website, including, without limitation, any security or identity validation measures or an access control system; or

~~[2.]~~ *(b)* Disguise the identity of a ticket purchaser for the purpose of purchasing a number of tickets for admission to an athletic contest or live entertainment event which exceeds the maximum number of tickets allowed for purchase by a person.

2. A person shall not resell or offer for resale a ticket obtained in violation of subsection 1 if the person:

(a) Participated in or had the ability to control the conduct committed in violation of subsection 1; or

(b) Knew ~~[or reasonably should have known]~~ that the ticket was acquired in violation of subsection 1.

Sec. 9. NRS 598.3981 is hereby amended to read as follows:

598.3981 *1.* The Bureau of Consumer Protection in the Office of the Attorney General shall establish a toll-free statewide hotline and an Internet website by which a person may file a complaint relating to a suspected violation of NRS 598.397 to 598.3984, inclusive ~~[.]~~ *, and sections 1.5, 2 and 3 of this act, and obtain information and directions regarding the preferred method for filing such a complaint.*

2. Any form made available by the Bureau of Consumer Protection for receiving complaints relating to a suspected violation of NRS 598.397 to 598.3984, inclusive, and sections 1.5, 2 and 3 of this act must be ~~[not longer than two pages and]~~ designed specifically for receiving such complaints.

Sec. 10. NRS 598.3982 is hereby amended to read as follows:

598.3982 1. A person injured by a violation of any provision of NRS 598.397 to 598.3984, inclusive, *and sections 1.5, 2 and 3 of this act* may bring a civil action ~~[in a court of competent jurisdiction]~~ against a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange who committed the violation ~~[. to seek:]~~ *in a district court in any county:*

(a) In which the cause therefor accrued;

(b) In which the defendant resides or may be found;

(c) In which the plaintiff resides; or

(d) In which an athletic contest or live entertainment event to which the ticket pertains occurred or will occur, if the violation relates to the sale, purchase or advertisement of a ticket.

2. If the person bringing the action is the prevailing party, the court shall award that person:

(a) Declaratory and injunctive relief.

(b) ~~[Actual]~~ *For the first violation, $1,000 or actual* damages , ~~[or $100,]~~ whichever is greater.

(c) For the second violation, $2,500, treble the amount of actual damages and reasonable attorney's fees and costs, if any.

(d) For the third and all subsequent violations, $5,000, treble the amount of actual damages, reasonable attorney's fees and costs, if any, and punitive damages, which are subject to the provisions of NRS 42.005.

~~[2.]~~ *3.* An action may not be brought pursuant to this section against a natural person employed by a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange.

Sec. 11. NRS 598.3983 is hereby amended to read as follows:

598.3983 Unless a greater penalty is provided in NRS 598.0999 or 598.3984, a person who knowingly violates the provisions of NRS 598.397 to 598.3984, inclusive, *and sections 1.5, 2 and 3 of this act* is guilty of a misdemeanor.

Sec. 12. NRS 598.3984 is hereby amended to read as follows:

598.3984 1. A person who willfully and knowingly violates the provisions of NRS 598.397 to 598.3984, inclusive, *and sections 1.5, 2 and 3 of this act* relating to the sale of a ticket to an entertainment facility which is operated by a governmental entity or a public-private partnership is guilty of a gross misdemeanor.

2. As used in this section:

(a) "Governmental entity" means:

(1) The government of this State;

(2) An agency of the government of this State;

(3) A political subdivision of this State; and

(4) An agency of a political subdivision of this State.

(b) "Public-private partnership" means a contract entered into by a person and a governmental entity for the support of an entertainment facility.

Sec. 13. This act becomes effective on July 1, 2019.

Senator Spearman moved that the Senate concur in Assembly Amendment No. 779 to Senate Bill No. 131.

Remarks by Senator Spearman.

Amendment No. 799 to Senate Bill No. 131 just makes some technical changes, but it is still a good bill.

Motion carried by a constitutional majority.

Bill ordered enrolled

Senate Bill No. 179.

The following Assembly amendment was read:

Amendment No. 701.

JOINT SPONSORS: ASSEMBLYMEN SPIEGEL, BILBRAY-AXELROD, PETERS, NGUYEN; ASSEFA, CARRILLO, DURAN, FUMO, GORELOW, JAUREGUI, MARTINEZ, MCCURDY, MILLER, MUNK, THOMPSON AND WATTS

SUMMARY—Revises provisions relating to abortions. (BDR 40-567)

AN ACT relating to abortions; revising provisions relating to informed consent to an abortion; repealing criminal penalties on certain actions relating to the termination of a pregnancy; repealing the prohibition on the excusal of a person on certain grounds from testifying as a witness in a prosecution relating to the termination of a pregnancy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law in NRS 442.250 regulates the medical conditions under which abortions may be performed in this State. Because NRS 442.250 was submitted to and approved by a referendum of the voters at the 1990 general election, Section 1 of Article 19 of the Nevada Constitution dictates that the provisions of NRS 442.250 may not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. In addition to the provisions of NRS 442.250, Nevada's abortion laws also contain certain requirements for informed consent to an abortion. (NRS 442.253) Because the requirements concerning informed consent were not part of the referendum in 1990, they may be amended or repealed by the Legislature without being approved by the direct vote of the people.

This bill revises the requirements in existing law relating to informed consent. This bill conforms with Section 1 of Article 19 of the Nevada Constitution because this bill does not amend, annul, repeal, set aside, suspend or in any way make inoperative the provisions of NRS 442.250. Instead, this bill serves a different governmental purpose than the provisions of NRS 442.250 and revises laws that are separate and complete by themselves and are not amendatory of the provisions of NRS 442.250. (*Matthews v. State ex rel. Nev. Tax Comm'n*, 83 Nev. 266, 267-69 (1967))

Existing law requires a physician to certify in writing that a woman gave her informed written consent before performing an abortion in this State. Existing law additionally requires a physician to certify in writing the pregnant woman's marital status and age before performing an abortion. (NRS 442.252) Existing law further requires that an attending physician or a person meeting the qualifications adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services: (1) take certain action to notify a pregnant woman that she is pregnant; (2) inform a pregnant woman of the number of weeks which have elapsed from the probable time of conception; and (3) explain the physical and emotional implications of having the abortion. (NRS 442.253)

Sections 1 and 2 of this bill revise the requirements for informed consent for an abortion. Section 1 removes the requirement that a physician certify a pregnant woman's marital status and age before performing an abortion. Section 1 also removes the requirement that a physician certify in writing that

a woman gave her informed written consent. Section 2 requires an attending physician or person meeting the qualifications adopted by the Division to: (1) provide orally the explanation required in existing law to a pregnant woman that she is pregnant and a copy of her pregnancy test is available; and (2) orally inform her of the estimated gestational age. Section 2 additionally requires an attending physician or a person meeting the qualifications adopted by the Division to explain orally to a pregnant woman in an accurate and thorough manner: (1) the procedure to be used and the proper procedures for her care after the abortion; (2) the discomforts and risks that may accompany or follow the performance of a procedure; and (3) if an interpreter is available to assist the woman because the woman does not understand the language used on a form indicating consent or the language used by the persons providing her with information concerning the procedure, that an interpreter is available to provide the explanation. Section 2 also requires an attending physician or a person meeting the qualifications adopted by the Division to: (1) offer to answer any questions the woman has concerning the procedure; and (2) provide the woman with a copy of a form indicating consent. Section 2 provides that informed consent shall be deemed to have been given by a woman seeking an abortion when: (1) the form indicating consent has been signed and dated by certain persons; and (2) if the form indicating consent is not written in a language understood by the pregnant woman, the person who explains certain information to the pregnant woman certifies that the information has been presented in such a manner as to be understood by the woman.

Existing law criminalizes certain actions relating to the termination of a pregnancy and prohibits a person from being excused from testifying as a witness in any prosecution relating to the termination of a pregnancy on the grounds that the testimony would tend to incriminate the person. (NRS 201.120, 201.130, 201.140) Section 6 repeals these provisions.

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

Section 1. NRS 442.252 is hereby amended to read as follows:

442.252 No physician may perform an abortion in this state unless, before the physician performs it, he or she ~~[certifies in writing that]~~ *obtains* the ~~[woman gave her]~~ informed ~~[written]~~ consent ~~[, freely and without coercion. The physician shall further certify in writing the pregnant woman's marital status and age based upon proof of age offered by her.]~~ *of the woman seeking the abortion pursuant to NRS 442.253*.

Sec. 2. NRS 442.253 is hereby amended to read as follows:

442.253 1. The attending physician or a person meeting the qualifications established by regulations adopted by the Division shall ~~[accurately and in a]~~ *:*

(a) In an accurate and thorough manner which is reasonably likely to be understood by the pregnant woman ~~[:~~

~~(a)]~~ *, orally:*

(1) Explain that, in his or her professional judgment, she is pregnant and a copy of her pregnancy test is available to her.

~~[(b)]~~ *(2)* Inform her of the ~~[number of weeks which have elapsed from the probable time of conception.~~

~~(c)]~~ *estimated gestational age;*

(3) Explain ~~[the physical and emotional implications of having the abortion.~~

~~(d) Describe the medical]~~ *:*

(I) The procedure to be used ~~[, its consequences]~~ and the proper procedures for her care after the abortion.

(II) The discomforts and risks that may accompany or follow the procedure.

(III) If an interpreter is available to assist the woman because the woman does not understand the language used on a form indicating consent or the language used by the attending physician or person meeting the qualifications established by regulations adopted by the Division, that an interpreter is available to provide the explanation.

(b) Offer to answer any questions the woman has concerning the procedure.

(c) Provide the woman with a copy of a form indicating consent.

2. ~~[The attending physician shall verify that all material facts and information, which in the professional judgment of the physician are necessary to allow the woman to give her informed consent, have been provided to her and that her consent is informed.]~~ *The form indicating consent provided pursuant to subsection 1 must clearly describe the nature and consequences of the procedure to be used.*

3. ~~[If the woman does not understand English, the form indicating consent must be written in a language understood by her, or the attending physician shall certify on the form that the information required to be given has been presented in such a manner as to be understandable by her. If an interpreter is used, the interpreter must be named and reference to this use must be made on the form for]~~ *Informed* consent ~~[.]~~ *shall be deemed to have been given by a woman seeking an abortion for the purposes of NRS 442.252 when:*

(a) The form indicating consent provided pursuant to paragraph (c) of subsection 1 has been signed and dated by:

(1) The woman;

(2) The interpreter, if an interpreter is used;

(3) The attending physician who will perform the procedure; and

(4) The person meeting the qualifications established by regulations adopted by the Division if such a person performs the duties prescribed in subsection 1; and

(b) If the form indicating consent is not written in a language understood by the woman, the person who performs the duties prescribed in subsection 1 has certified on the form that the information described in subsection 1 has been presented in such a manner as to be understood by the woman.

Sec. 3. NRS 442.256 is hereby amended to read as follows:

442.256 A physician who performs an abortion shall maintain a record of it for at least 5 years after it is performed. The record must contain:

1. The ~~[written]~~ *form indicating* consent ~~[of the woman;]~~ *completed in compliance with subsection 3 of NRS 442.253.*

2. A statement of the information which was provided to the woman pursuant to NRS 442.253 . ~~[; and]~~

3. A description of efforts to give any notice required by NRS 442.255.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 41A.110 is hereby amended to read as follows:

41A.110 ~~[A]~~ *Except as otherwise provided in subsection 3 of NRS 442.253, a* physician licensed to practice medicine under the provisions of chapter 630 or 633 of NRS, or a dentist licensed to practice dentistry under the provisions of chapter 631 of NRS, has conclusively obtained the consent of a patient for a medical, surgical or dental procedure, as appropriate, if the physician or dentist has done the following:

1. Explained to the patient in general terms, without specific details, the procedure to be undertaken;

2. Explained to the patient alternative methods of treatment, if any, and their general nature;

3. Explained to the patient that there may be risks, together with the general nature and extent of the risks involved, without enumerating such risks; and

4. Obtained the signature of the patient to a statement containing an explanation of the procedure, alternative methods of treatment and risks involved, as provided in this section.

Sec. 6. NRS 201.120, 201.130 and 201.140 are hereby repealed.

Sec. 7. This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTIONS

201.120 Abortion: Definition; penalty. A person who:

1. Prescribes, supplies or administers to a woman, whether pregnant or not, or advises or causes her to take any medicine, drug or substance; or

2. Uses or causes to be used, any instrument or other means,

➥ to terminate a pregnancy, unless done pursuant to the provisions of NRS 442.250, or by a woman upon herself upon the advice of a physician acting pursuant to the provisions of NRS 442.250, is guilty of abortion which is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

201.130 Selling drugs to produce miscarriage; penalty. Every person who shall manufacture, sell or give away any instrument, drug, medicine or other substance, knowing or intending that the same may be unlawfully used in procuring the miscarriage of a woman, shall be guilty of a gross misdemeanor.

201.140 Evidence. In any prosecution for abortion, attempting abortion, or selling drugs unlawfully, no person shall be excused from testifying as a witness on the ground that the testimony would tend to incriminate him or her, but such testimony shall not be used against the person testifying in any criminal prosecution except for perjury in giving such testimony.

Senator Ratti moved that the Senate concur in Assembly Amendment No. 701 to Senate Bill No. 179.

Remarks by Senator Ratti.

Amendment No. 701 to Senate Bill No.179 adds Assemblyman Carrillo as a sponsor.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 224.

The following Assembly amendment was read:

Amendment No. 832.

SUMMARY—Revises provisions relating to public retirement systems. (BDR 23-598)

AN ACT relating to public retirement systems; providing for the confidentiality of certain information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Public Employees' Retirement Board is required to administer the Judicial Retirement System, the Legislators' Retirement System and the Public Employees' Retirement System. (NRS 1A.100, 218C.150, 286.120) Existing law makes the official correspondence and records of those public retirement systems, other than the files of individual members, public records. (NRS 1A.100, 218C.200, 286.110)

Under existing law, a record of a governmental entity is public and open to inspection unless the confidentiality of the record or the information in the record is specifically provided for by law. (NRS 239.010)

Section 1 of this bill generally makes information about a current or former member of a public retirement system administered by the Public Employees' Retirement Board, or a beneficiary of such a member, confidential. Section 1 further provides, however, that the following information relating to such a current or former member which is contained in a record or file in the possession, control or custody of the Board is a public record: (1) the ~~[identification number]~~ name of such a person; and (2) the ~~[last public employer of the person; (3) the number of years of service credit such a person has with the public retirement system; (4) the retirement date of the person; (5) the]~~ amount of annual pension benefit paid to the person. ~~[; and (6) whether the person is receiving a disability or service retirement allowance.]~~

Section 1 also prohibits the Board from disclosing confidential information about a member or beneficiary to a third party unless: (1) the disclosure is necessary for the Board to carry out its duties; and (2) the Board executes a confidentiality agreement with the third party before providing the third party

with any confidential information. Sections 2-6 of this bill make conforming changes.

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

Section 1. Chapter 286 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, all information about a current or former member of a public retirement system administered by the Board, or a beneficiary of such a member, which is contained in a record or file in the possession, control or custody of the Board is confidential regardless of the form, location and manner of creation or storage of a record or file containing the information.

2. The following information about a current or former member of such a public retirement system which is contained in a record or file in the possession, control or custody of the Board is a public record:

(a) The ~~[identification number]~~ name of the current or former member; and

(b) ~~[The last public employer of the current or former member;~~

~~(c) The number of years of service credit the current or former member has with the public retirement system;~~

~~(d) The retirement date of the current or former member;~~

~~(e)]~~ The amount of annual pension benefit paid to the current or former member. ~~[; and~~

~~(f) Whether the current or former member receives a disability retirement allowance or a service retirement allowance from the public retirement system.]~~

3. The Board may only disclose information made confidential pursuant to subsection 1 to a third party if:

(a) Such disclosure is necessary for the Board to carry out its duties; and

(b) The Board executes a confidentiality agreement with the third party before providing the third party with any confidential information.

~~[4. As used in this section "identification number" means the unique number assigned by the public retirement system to the record or file of each current or former member or beneficiary of such a member.]~~

Sec. 2. NRS 286.110 is hereby amended to read as follows:

286.110 1. A system of retirement providing benefits for the retirement, disability or death of employees of public employers and funded on an actuarial reserve basis is hereby established and must be known as the Public Employees' Retirement System. The System is a public agency supported by administrative fees transferred from the retirement funds. The Executive and Legislative Departments of the State Government shall regularly review the System.

2. The System is entitled to use any services provided to state agencies and shall use the services of the Purchasing Division of the Department of Administration, but is not required to use any other service. The purpose of

this subsection is to provide to the Board the necessary autonomy for an efficient and economic administration of the System and its program.

3. ~~[The]~~ *Except as otherwise provided in section 1 of this act, the* official correspondence and records ~~[, other than the files of individual members or retired employees,]~~ and, except as otherwise provided in NRS 241.035, the minutes, audio recordings, transcripts and books of the System are public records and are available for public inspection. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

4. The respective participating public employers are not liable for any obligation of the System.

Sec. 3. NRS 286.117 is hereby amended to read as follows:

286.117 ~~[All]~~ *Except as otherwise provided in section 1 of this act, all* records *and files* maintained for a member, retired employee or beneficiary may be reviewed and copied only by the System, the member, the member's public employer or spouse, or the retired employee or the retired employee's spouse, or pursuant to a court order, or by a beneficiary after the death of the employee on whose account benefits are received. Any member, retired employee or beneficiary may submit a written waiver to the System authorizing the representative of the member, retired employee or beneficiary to review or copy all such records.

Sec. 4. NRS 1A.100 is hereby amended to read as follows:

1A.100 1. A system of retirement providing benefits for the retirement, disability or death of all justices of the Supreme Court, judges of the Court of Appeals and district judges, and certain justices of the peace and municipal judges, and funded on an actuarial reserve basis is hereby established and must be known as the Judicial Retirement System.

2. The System consists of the Judicial Retirement Plan and the provisions set forth in NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, and 3.090 to 3.099, inclusive, for providing benefits to justices of the Supreme Court, judges of the Court of Appeals or district judges who served either as a justice of the Supreme Court or district judge before November 5, 2002. Each justice of the Supreme Court, judge of the Court of Appeals or district judge who is not a member of the Public Employees' Retirement System is a member of the Judicial Retirement System.

3. ~~[The]~~ *Except as otherwise provided in section 1 of this act, the* official correspondence and records ~~[, other than the files of individual members of the System or retired justices or judges,]~~ and, except as otherwise provided in NRS 241.035, the minutes, audio recordings, transcripts and books of the System are public records and are available for public inspection. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

4. The System must be administered exclusively by the Board, which shall make all necessary rules and regulations for the administration of the System. The rules must include, without limitation, rules relating to the administration

of the retirement plans in accordance with federal law. The Legislature shall regularly review the System.

Sec. 5. NRS 1A.110 is hereby amended to read as follows:

1A.110 ~~[All]~~ *Except as otherwise provided in section 1 of this act, all* records *and files* maintained for a member of the System, retired justice or judge, justice of the Supreme Court, judge of the Court of Appeals or district judge who retired pursuant to NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, or 3.090 to 3.099, inclusive, or the beneficiary of any of them may be reviewed and copied only by the System, the member, the Court Administrator, the board of county commissioners if the records concern a justice of the peace or retired justice of the peace whom the board of county commissioners allowed to participate in the Judicial Retirement Plan pursuant to NRS 1A.285, the city council if the records concern a municipal judge or retired municipal judge whom the city council allowed to participate in the Judicial Retirement Plan pursuant to NRS 1A.285, the spouse of the member, or the retired justice or judge or his or her spouse, or pursuant to a court order, or by a beneficiary after the death of the justice or judge on whose account benefits are received pursuant to the System. Any member, retired justice or judge, justice of the Supreme Court, judge of the Court of Appeals or district judge who retired pursuant to NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, or 3.090 to 3.099, inclusive, or beneficiary may submit a written waiver to the System authorizing his or her representative to review or copy all such records.

Sec. 6. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750,

281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *section 1 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of

Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 7. This act becomes effective on July 1, 2019.

Senator Parks moved that the Senate concur in Assembly Amendment No. 832 to Senate Bill No. 224.

Remarks by Senator Parks.

Amendment No. 832 to Senate Bill No. 224 replaces the unique identification number with the member's name and removes other identifying information.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 267.

The following Assembly amendment was read:

Amendment No. 783.

JOINT ~~[SPONSOR: ASSEMBLYWOMAN]~~ SPONSORS: ASSEMBLYWOMEN SPIEGEL AND PETERS

SUMMARY—Makes revisions concerning the effect of social and environmental factors on education. (BDR 34-578)

AN ACT relating to education; requiring the identification of social and environmental factors that affect the educational experience of pupils at each public school; requiring the consideration of those factors in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Education to adopt such regulations as necessary for the execution of the powers and duties conferred on it by law. (NRS 385.080) This bill requires the State Board to adopt regulations that require the board of trustees of each school district and the governing body of each charter school to identify the social and environmental factors that affect the educational experience of pupils at each school in the district or the charter school, as applicable. This bill requires the Department of Education, a board of trustees, a governing body and the staff of a school to consider those factors when making decisions concerning the school or interacting with and making decisions concerning the staff and pupils of a school.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

The State Board shall adopt regulations that require:

1. The board of trustees of each school district and the governing body of each charter school to identify the social and environmental factors that affect the educational experience of pupils at each school in the district or the charter school, as applicable, and provide a description of those factors to the Department; and

2. The Department, the board of trustees of each school district, the governing body of each charter school and the staff of each public school to consider the factors identified pursuant to subsection 1 for a school when making decisions concerning the school or interacting with and making decisions concerning the staff of the school or pupils enrolled at the school. Such decisions include, without limitation, decisions concerning the allocation of money, the provision of integrated student supports pursuant to NRS 388.885, evaluations of members of the staff of the school pursuant to NRS 391.650 to 391.830, inclusive, salaries of members of the staff of the school and the discipline of pupils.

Sec. 2. This act becomes effective on July 1, 2019.

Senator Denis moved that the Senate concur in Assembly Amendment No. 783 to Senate Bill No. 267.

Remarks by Senator Denis.

Assembly Amendment No. 783 adds Assemblywoman Peters as a sponsor to Senate Bill No. 267.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 298.

The following Assembly amendment was read:

Amendment No. 794.

SUMMARY—Revises provisions relating to partial tax abatements for certain renewable energy facilities. (BDR 58-908)

AN ACT relating to renewable energy facilities; requiring the recipients of certain partial tax abatements to create and retain certain records and submit an annual payroll report to the Office of Energy and the board of county commissioners of the county in which the facility receiving a partial tax abatement is located; providing that the wage used to determine eligibility for certain partial tax abatements does not include certain fringe benefits; authorizing the Director of the Office to charge and collect from an applicant for a certain partial abatement a fee in an amount established by regulation; requiring the proceeds of the fee to be used for specific activities set forth in a regulation adopted by the Director; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain renewable energy facilities to apply for a partial abatement of certain taxes. (NRS 701A.300-701A.390) For a renewable energy facility to be eligible for such a partial tax abatement, a certain number of full-time employees must be employed on the construction of the facility, including a certain percentage of employees who are Nevada residents, and the wages paid to employees of the facility or employees working on the construction of the facility must represent a certain percentage of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation. (NRS 701A.365)

Section 2 of this bill requires a recipient of such a partial tax abatement to keep or cause to be kept certain records regarding employees of the facility and employees who worked on the construction of the facility.

Section 3 of this bill requires a recipient of a partial tax abatement to submit to the Office of Energy and the board of county commissioners of the county in which the facility receiving a partial tax abatement is located, on an annual basis, a certified payroll report containing certain information.

For the purpose of determining the wage that must be paid to employees of a facility and employees working on the construction of a facility in order for a facility to be eligible for a partial tax abatement, existing law defines "wage" as including the cost of certain bona fide fringe benefits which are provided to an employee, including pension and health benefits. (NRS 701A.365) Section 4 of this bill provides that wages, for the purposes of determining eligibility for a partial tax abatement, do not include the amount of any health insurance plan, pension or other bona fide fringe benefits which are provided to an employee.

Existing law authorizes the Director of the Office of Energy to charge and collect a fee from each applicant who submits an application for a partial

abatement of certain taxes that does not exceed the cost to the Director for processing and approving such applications. (NRS 701A.390) Section 5 of this bill authorizes the Director to include in the fee charged to applicants an additional amount ~~[to help sustain the work]~~ established by regulation. Under section 5, the Office is required to use the proceeds of the fee for activities of the Office ~~[to]~~ that support and expand renewable energy development in this State ~~[.]~~ and that are set forth in a regulation adopted by the Director.

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

Section 1. Chapter 701A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *A recipient of a partial abatement of taxes pursuant to this section and NRS 701A.300 to 701A.390, inclusive, and section 3 of this act shall keep or cause to be kept the records required to be kept by a contractor engaged on a public work pursuant to subsection 5 of NRS 338.070 for each employee who performed work on the construction of the facility, including, without limitation, the employee of any contractor or subcontractor who performed work on the facility, and for each employee of the facility.*

Sec. 3. *A recipient of a partial abatement of taxes pursuant to this section and NRS 701A.300 to 701A.390, inclusive, and section 2 of this act shall submit annually to the Office of Energy and the board of county commissioners of the county in which the facility is located a certified payroll report on a form or in a format prescribed by the Director. The certified payroll report must:*

1. Be accompanied by a statement certifying the truthfulness and accuracy of the payroll report; and

2. Include the information contained in the records required to be kept pursuant to section 2 of this act.

Sec. 4. NRS 701A.365 is hereby amended to read as follows:

701A.365 1. The Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, *and sections 2 and 3 of this act* if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which must:

(1) State that the facility will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the

acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) Except as otherwise provided in paragraph (e), if the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $10,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection 6, the average hourly wage of the employees working on the construction of the facility will be at least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $3,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection 6, the average hourly wage of the employees working on the construction of the facility will be at least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by a facility for the generation of process heat from solar renewable energy or a wholesale facility for the generation of electricity from renewable energy unless the application is approved or deemed approved pursuant to this subsection. The board of county commissioners of a county must provide notice to the Director that the board intends to consider an application and, if such notice is given, must approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners:

(a) Shall, in considering an application pursuant to this subsection, make a recommendation to the Director regarding the application;

(b) May, in considering an application pursuant to this subsection, deny an application only if the board of county commissioners determines, based on relevant information, that:

(1) The projected cost of the services that the local government is required to provide to the facility will exceed the amount of tax revenue that the local government is projected to receive as a result of the abatement; or

(2) The projected financial benefits that will result to the county from the employment by the facility of the residents of this State and from capital

investments by the facility in the county will not exceed the projected loss of tax revenue that will result from the abatement;

(c) Must not condition the approval of the application on a requirement that the facility agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility; and

(d) May, without regard to whether the board has provided notice to the Director of its intent to consider the application, make a recommendation to the Director regarding the application.

➥ If the board of county commissioners does not approve or deny the application within 30 days after the board receives from the Director a copy of the application, the application shall be deemed approved.

3. Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet any requirement set forth in subparagraph (1) or (2) of paragraph (d) of subsection 1 or subparagraph (1) or (2) of paragraph (e) of subsection 1; or

(b) Add additional requirements that a facility must meet to qualify for a partial abatement.

4. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

5. The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

6. The provisions of subparagraph (4) of paragraph (d) of subsection 1 and subparagraph (4) of paragraph (e) of subsection 1 concerning the average hourly wage of the employees working on the construction of a facility do not apply to the wages of an apprentice as that term is defined in NRS 610.010.

7. As used in this section, "wage" or "wages" ~~[has the meaning ascribed to it in NRS 338.010.]~~ *:*

(a) Means the basic hourly rate of pay.

(b) Does not include the amount of any health insurance plan, pension or other bona fide fringe benefits which are a benefit to the employee.

Sec. 5. NRS 701A.390 is hereby amended to read as follows:

701A.390 The Director:

1. Shall adopt regulations:

(a) Prescribing the minimum level of benefits that a facility must provide to its employees *;* ~~[if the facility is going to use benefits paid to employees as a basis to qualify for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive;]~~

(b) Prescribing such requirements for an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, *and sections 2 and 3 of this act* as will ensure that all information and other documentation necessary for

the Director, in consultation with the Office of Economic Development, to make an appropriate determination is filed with the Director;

(c) Requiring each recipient of a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, *and sections 2 and 3 of this act* to file annually with the Director such information and documentation as may be necessary for the Director to determine whether the recipient is in compliance with any eligibility requirements for the abatement; and

(d) Regarding the capital investment that a facility must make to meet the requirement set forth in paragraph (d) or (e) of subsection 1 of NRS 701A.365; and

2. May adopt such other regulations as the Director determines to be necessary to carry out the provisions of NRS 701A.300 to 701A.390, inclusive ~~[;]~~ *, and sections 2 and 3 of this act;* and

3. May charge and collect a fee from each applicant who submits an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive ~~[.]~~ *, and sections 2 and 3 of this act.* The amount of the fee must *consist of:*

(a) An amount that does not exceed the actual cost to the Director for processing and approving the application ~~[.]~~ *; and*

(b) A reasonable amount ~~*[determined]*~~ *established by a regulation adopted by the Director* ~~*[and designed to help sustain the work]*~~ *pursuant to this paragraph. The Office shall use the proceeds of the fee for activities of the Office* ~~*[to]*~~ *that support and expand renewable energy development in this State* ~~*[by administering the provisions of NRS 701A.300 to 701A.390, inclusive, and sections 2 and 3 of this act.]*~~ *and are specified in a regulation adopted by the Director pursuant to this paragraph. The Director shall adopt regulations specifying the amount of the fee described in this section and setting forth the specific activities of the Office that the proceeds of the fee will support and expand.*

Sec. 5.5. The amendatory provisions of this act do not apply to a person who is granted a partial abatement of taxes pursuant to NRS 701A.300 to 701A.390, inclusive, and sections 2 and 3 of this act, if the application for such an abatement was submitted before July 1, 2020.

Sec. 6. This act becomes effective on July 1, 2020, and expires by limitation on June 30, 2049.

Senator Cancela moved that the Senate concur in Assembly Amendment No. 794 to Senate Bill No. 298.

Remarks by Senator Cancela.

Amendment No. 794 to Senate Bill No. 298 clarifies how the fees can be collected by the Director of the Office Energy.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 300.

The following Assembly amendment was read:

Amendment No. 722.

SUMMARY—Revises provisions governing the rates charged by electric utilities. (BDR 58-302)

AN ACT relating to electric utilities; authorizing an electric utility to file an application for the establishment of an alternative rate-making plan; requiring the Public Utilities Commission of Nevada to adopt regulations governing the filing of such an application; revising the dates for the filing of general rate applications by electric utilities; repealing certain duties of the Commission relating to determining the impact of net metering on rates charged by electric utilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 16 of this bill requires the Public Utilities Commission of Nevada to adopt regulations establishing procedures for an electric utility to apply to the Commission for the approval of an alternative rate-making plan, which establishes the alternative rate-making mechanisms that the utility is authorized to use to set rates during the time period of the plan. The regulations adopted by the Commission must: (1) establish the alternative rate-making mechanisms that may be included in a plan and any limitations on such alternative rate-making mechanisms; (2) provide the information that must be included in an alternative rate-making plan and an application for the approval of such a plan; (3) specify the circumstances under which an electric utility for which an alternative rate-making plan has been approved must file a general rate application; (4) provide a process to educate customers of an electric utility regarding alternative rate-making mechanisms; (5) require an electric utility for which an alternative rate-making plan has been approved to keep certain records; and ~~[(5)]~~ (6) establish criteria for the evaluation of an alternative rate-making plan.

Section 17 of this bill authorizes an electric utility to submit an application to establish an alternative rate-making plan pursuant to the regulations adopted by the Commission, establishes time limits for the Commission to approve or deny such an application and requires the Commission to conduct a consumer session before taking action on such an application. ~~[Section 17 authorizes the Commission to extend the time for an electric utility to submit its next general rate application while an application for the approval of an alternative rate-making plan is pending before the Commission.]~~ Section 17 requires an application for the approval of an alternative rate-making plan to include a plan to educate the customers of the electric utility regarding the alternative rate-making mechanisms in the plan proposed by the utility. Section 17 provides that the Commission may only approve an application for the approval of an alternative rate-making plan if the Commission determines that the plan meets certain requirements. Section 17 also authorizes an alternative rate-making plan to include certain provisions, including a mechanism for earnings sharing with the customers of the utility ~~[, a provision authorizing the filing of a complaint against the utility]~~ and a term or condition waiving the requirement for the utility to file a general rate application every 36 months.

Finally, section 17 authorizes the Commission to investigate and change rates, tolls, charges, rules, regulations, practices and service relating to an alternative rate-making plan under certain circumstances. Section 19 of this bill makes a conforming change.

Section 20 of this bill revises the dates by which electric utilities must file general rate applications.

Section 21.5 of this bill eliminates a requirement for the Commission to open an investigatory docket to establish methods to determine the impact of net metering on rates charged by an electric utility and to submit a biennial report to the Legislature concerning the impact of net metering on such rates. Sections 3.1-39 and 20.1-20.7 of this bill make conforming changes.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.1. NRS 701.380 is hereby amended to read as follows:

701.380 1. The Director shall:

(a) Coordinate the ctivities and programs of the Office of Energy with the activities and programs of the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(b) Spend the money in the Trust Account for Renewable Energy and Energy Conservation to:

(1) Educate persons and entities concerning renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(2) Create incentives for investment in and the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(3) Distribute grants and other money to establish programs and projects which incorporate the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(4) Conduct feasibility studies, including, without limitation, any feasibility studies concerning the establishment or expansion of any grants, incentives, rebates or other programs to enable or assist persons to reduce the cost of purchasing distributed generation systems and on-site generation systems and net metering systems that use renewable energy.

(c) Take any other actions that the Director deems necessary to carry out the duties of the Office of Energy, including, without limitation, contracting

with consultants, if necessary, for the purposes of program design or to assist the Director in carrying out the duties of the Office.

2. The Director shall prepare an annual report concerning the activities and programs of the Office of Energy and submit the report to the Legislative Commission and the Governor on or before January 30 of each year. The annual report must include, without limitation:

(a) A description of the objectives of each activity and program;

(b) An analysis of the effectiveness and efficiency of each activity and program in meeting the objectives of the activity or program;

(c) The amount of money distributed for each activity and program from the Trust Account for Renewable Energy and Energy Conservation and a detailed description of the use of that money for each activity and program;

(d) An analysis of the coordination between the Office of Energy and other officers and agencies; and

(e) Any changes planned for each activity and program.

3. As used in this section:

(a) "Distributed generation system" means a facility or system for the generation of electricity that is in close proximity to the place where the electricity is consumed:

(1) That uses renewable energy as defined in NRS 704.7811 to generate electricity;

(2) That is located on the property of a customer of an electric utility;

(3) That is connected on the customer's side of the electricity meter;

(4) That provides electricity primarily to offset customer load on that property; and

(5) The excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems used by customer-generators pursuant to NRS 704.766 to ~~[704.777,]~~ *704.776*, inclusive.

(b) "Electric utility" has the meaning ascribed to it in NRS 704.7571.

Sec. 3.2. NRS 701A.200 is hereby amended to read as follows:

701A.200 1. For purposes of the assessment of property pursuant to chapter 361 of NRS:

(a) Except as otherwise provided in paragraph (b), a qualified system is exempt from taxation.

(b) A qualified system is not exempt from taxation:

(1) During any period in which the qualified system is subject to another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS; or

(2) If the system is constructed after July 1, 2009, and is part of a facility which is eligible for a partial abatement of taxes pursuant to NRS 701A.360.

2. The Nevada Tax Commission shall adopt such regulations as it determines to be necessary for the administration of this section.

3. As used in this section, "qualified system" means any system, method, construction, installation, machinery, equipment, device or appliance which is

designed, constructed or installed in or adjacent to one or more buildings or an irrigation system in an agricultural operation to heat or cool the building or buildings or water used in the building or buildings, or to provide electricity used in the building or buildings or irrigation system regardless of whether the owner of the system, building or buildings or irrigation system participates in net metering pursuant to NRS 704.766 to ~~[704.777,]~~ *704.776,* inclusive, by using:

(a) Energy from the wind or from solar devices;

(b) Geothermal resources;

(c) Energy derived from conversion of solid wastes; or

(d) Waterpower,

➥ which conforms to standards established by regulation of the Nevada Tax Commission.

Sec. 3.3. NRS 701B.055 is hereby amended to read as follows:

701B.055 "Distributed generation system" means a system or facility for the generation of electricity:

1. That uses solar energy to generate electricity;

2. That is located on the property of a customer of an electric utility;

3. That is connected on the customer's side of the electricity meter;

4. That provides electricity primarily to offset customer load on that property; and

5. The excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems used by customer-generators pursuant to NRS 704.766 to ~~[704.777,]~~ *704.776,* inclusive.

Sec. 3.5. NRS 701B.280 is hereby amended to read as follows:

701B.280 To be eligible for an incentive through the Solar Program, a solar energy system must meet the requirements for participation in net metering pursuant to the provisions of NRS 704.766 to ~~[704.777,]~~ *704.776,* inclusive.

Sec. 3.7. NRS 701B.650 is hereby amended to read as follows:

701B.650 To be eligible for an incentive through the Wind Demonstration Program, a wind energy system must meet the requirements for participation in net metering pursuant to the provisions of NRS 704.766 to ~~[704.777,]~~ *704.776,* inclusive.

Sec. 3.9. NRS 701B.880 is hereby amended to read as follows:

701B.880 To be eligible for an incentive through the Waterpower Demonstration Program, the waterpower energy system must meet the requirements for participation in net metering pursuant to the provisions of NRS 704.766 to ~~[704.777,]~~ *704.776,* inclusive.

Sec. 4. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 18, inclusive, of this act.

Sec. 5. *As used in sections 5 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 15, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 6. *"Alternative rate-making mechanism" means a rate-making mechanism in an alternative rate-making plan and includes, without limitation, performance-based rates, formula rates, multi-year rate plans, subscription pricing, an earnings-sharing mechanism, decoupling mechanism or any other rate-making mechanism authorized by the Commission by regulation.*

Sec. 7. *"Alternative rate-making plan" means a plan that would implement one or more alternative rate-making mechanisms to be used in addition to or in place of the rate-making process established by NRS 704.110.*

Sec. 8. *"Decoupling mechanism" means a mechanism that disassociates an electric utility's financial performance and results from the sales of electricity by the electric utility.*

Sec. 9. *"Earnings-sharing mechanism" means a mechanism designed by the Commission that requires an electric utility to share earnings with its ~~[fully bundled]~~ customers . ~~[if such earnings are above a specific percentage of return on equity.]~~*

Sec. 10. *"Electric utility" has the meaning ascribed to it in NRS 704.187.*

Sec. 11. *"Formula rates" means rates that are periodically adjusted based on a predetermined formula approved by the Commission without the need for an electric utility to file a general rate application pursuant to NRS 704.110.*

Sec. 12. ~~["Fully bundled customer" means a customer of an electric utility who receives energy, transmission, distribution and ancillary services from the electric utility.]~~ (Deleted by amendment.)

Sec. 13. *"Multi-year rate plan" means a rate mechanism under which the Commission sets rates and revenue requirements for a multi-year plan period of more than 36 months, including, without limitation, a plan which authorizes periodic changes in rates, including, without limitation, adjustments to accounts for inflation or capital investments, without a general rate application.*

Sec. 14. *"Performance-based rates" means rates that are set or adjusted based on the performance of an electric utility as determined by such performance metrics as the Commission may establish.*

Sec. 15. *"Subscription pricing" means a rate offering to the customers of an electric utility that is based upon a set, subscription-based fee and may include other conditions for the subscription-based rate.*

Sec. 16. *The Commission shall adopt regulations to establish procedures for an electric utility to apply to the Commission for the approval of an alternative rate-making plan. The regulations must:*

1. Establish the alternative rate-making mechanisms that may be included in such a plan and any limitations on such alternative rate-making mechanisms as the Commission deems appropriate, including, without limitation, any restrictions on the types of alternative rate-making mechanisms that may be used in concert within the same alternative rate-making plan.

2. Provide the information that must be included in an alternative rate-making plan and an application submitted pursuant to the regulations adopted pursuant to this section.

3. Specify the circumstances under which an electric utility for which the Commission has approved an alternative rate-making plan is required to file a general rate application pursuant to NRS 704.110 including, without limitation, if the alternative rate-making plan ceases to meet the criteria established by the Commission pursuant to subsection ~~[5.]~~ 7.

4. Provide a process to educate customers of an electric utility regarding the available alternative rate-making mechanisms that may be included in an alternative rate-making plan.

5. Establish requirements for an electric utility for which the Commission has approved an alternative rate-making plan to keep or cause to be kept any information and records which the utility would have been required to submit to the Commission as part of an application pursuant to NRS 704.110 or 704.187, if the filing of any such application is delayed or excused pursuant to the alternative rate-making plan.

6. If the Commission determines that it is practicable, require an electric utility to include in its application for the approval of an alternative rate-making plan:

(a) One or more cost of service studies.

(b) An analysis estimating and comparing:

(1) The rates that would be charged and the revenue that would be collected under the alternative rate-making plan proposed in the application; and

(2) The rates that would be charged and the revenue that would be collected pursuant to the rate-making process established by NRS 704.110.

7. Establish criteria for the evaluation of an alternative rate-making plan which may include, without limitation, whether the plan:

(a) Aligns an economically viable utility model with state public policy goals.

(b) Provides for just and reasonable rates that are comparable to rates established pursuant to NRS 704.110.

(c) Enables the delivery of electric service and options for services and pricing that customers value including, without limitation, the development and the use of renewable resources by customers that prioritize such resources above other factors, including price.

(d) Fosters statewide improvements to the economic and operational efficiency of the electrical grid.

(e) Furthers the public interest including, without limitation, the promotion of safe, economic, efficient and reliable electric service to all customers of the electric utility.

(f) Enhances the resilience and security of the electrical grid while addressing concerns regarding customer privacy.

(g) Ensures that customers of an electric utility benefit from lower regulatory administrative costs where appropriate.

(h) Facilitates the research and development of innovative electric utility services and options to benefit customers.

(i) Balances the interests of customers and shareholders by providing for services that customers want while preserving reasonable shareholder value.

~~[6.]~~ 8. *The Commission is not required to accept applications to establish an alternative rate-making plan if the Commission determines, after a reasonable investigation, that the use of alternative rate-making plan is not consistent with the criteria established by the Commission pursuant to subsection* ~~[5.]~~ 7.

Sec. 17. *1. Except as otherwise provided in subsection* ~~[6]~~ 8 *of section 16 of this act, and in accordance with the regulations adopted by the Commission pursuant to section 16 of this act* ~~[, an]~~ :

(a) Not sooner than the first Monday in January 2020, an electric utility that primarily serves less densely populated counties may apply to the Commission to establish an alternative rate-making plan which sets forth the alternative rate-making mechanisms to be used to establish rates during the time period covered by the plan.

(b) Not sooner than the first Monday in January 2021, an electric utility that primarily serves densely populated counties may apply to the Commission to establish an alternative rate-making plan which sets forth the alternative rate-making mechanisms to be used to establish rates during the time period covered by the plan.

2. The Commission shall approve, with or without modifications, or deny ~~[the]~~ *an application submitted pursuant to subsection 1 not later than 210 days after the Commission receives a copy of the application unless the Commission, upon good cause, extends by not more than 90 days the time to act upon the application. If the Commission fails to act upon an application within the time provided by this subsection, the application shall be deemed to be denied.*

~~[2. Upon the request of an electric utility, the Commission may extend the time by which the electric utility is required to file its next general rate application pursuant to subsection 3 of NRS 704.110 while the application submitted pursuant to subsection 1 is pending.]~~

3. The Commission shall conduct at least one consumer session pursuant to NRS 704.069 to solicit comments from the public before taking action on an application submitted pursuant to subsection 1.

4. The Commission shall not approve an application submitted pursuant to subsection 1 unless the Commission determines that the plan:

(a) Is in the public interest;

(b) Results in just and reasonable rates ~~[for the fully bundled customers of the electric utility;]~~ *, as determined by the Commission;*

(c) ~~[Adequately protects]~~ *Protects the interests of the customers of the electric* ~~[consumers;]~~ *utility:*

(d) Satisfies the criteria established by the Commission pursuant to subsection ~~[5]~~ 7 of section 16 of this act;

(e) Specifies the time period to which the plan applies; and

(f) Includes a plan for educating the customers of the electric utility regarding the alternative rate-making mechanisms included in the plan.

5. An alternative rate-making plan may include, without limitation:

(a) An earnings-sharing mechanism that balances the interests of ~~[retail]~~ customers that purchase electricity for consumption in this State and the shareholders of the electric utility.

(b) ~~[A provision authorizing any customer or the Commission to initiate a complaint or investigation pursuant to NRS 704.120.~~

~~(c)]~~ A term or condition waiving the requirement that the electric utility file a general rate application every 36 months pursuant to subsection 3 of NRS 704.110 ~~[.]~~ or extending beyond 36 months the time between required general rate application filings.

~~[(d)]~~ (c) Any other term or condition proposed by an electric utility or any party participating in the proceeding or that the Commission finds is reasonable and serves the public interest.

6. The Commission may at any time, upon its own motion or after receiving a complaint from any customer, the Consumer's Advocate or the Regulatory Operations Staff of the Commission, investigate any of the rates, tolls, charges, rules, regulations, practices and service relating to an alternative rate-making plan, and, after a full hearing as provided in NRS 704.120, by order, make such changes as may be just and reasonable to the same extent as authorized by NRS 704.120.

7. As used in this section:

(a) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.110.

(b) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.110.

Sec. 18. *The provisions of sections 5 to 18, inclusive, of this act must not be construed to limit the existing rate-making authority of the Commission.*

Sec. 19. NRS 704.100 is hereby amended to read as follows:

704.100 1. Except as otherwise provided in NRS 704.075 and 704.68861 to 704.68887, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 , ~~[or]~~ 704.097 ~~[.]~~ *or section 17 of this act:*

(a) A public utility shall not make changes in any schedule, unless the public utility:

(1) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(2) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of paragraph (f) or (g).

(b) A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.

(c) An electric utility shall, between annual deferred energy accounting adjustment applications filed pursuant to NRS 704.187, adjust its rates on a quarterly basis pursuant to subsection 10 of NRS 704.110.

(d) A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

(e) A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

(f) Except as otherwise provided in paragraph (g), if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue in an amount that does not exceed $15,000:

(1) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➥ A letter of advice filed pursuant to this paragraph must include a certification by the attorney for the public utility or an affidavit by an authorized representative of the public utility that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the public utility in an amount that exceeds $15,000.

(g) If the applicant is a small-scale provider of last resort and the proposed change in any schedule will result in an increase in annual gross operating revenue in an amount that does not exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less:

(1) The small-scale provider of last resort may file the proposed change with the Commission using a letter of advice in lieu of filing an application if the small-scale provider of last resort:

(I) Includes with the letter of advice a certification by the attorney for the small-scale provider of last resort or an affidavit by an authorized representative of the small-scale provider of last resort that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the small-scale provider

of last resort in an amount that exceeds $50,000 or 10 percent, whichever is less;

(II) Demonstrates that the proposed change in schedule is required by or directly related to a regulation or order of the Federal Communications Commission; and

(III) Except as otherwise provided in subsection 2, files the letter of advice not later than 5 years after the Commission has issued a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➥ Not later than 10 business days after the filing of a letter of advice pursuant to subparagraph (1), the Regulatory Operations Staff of the Commission or any other interested party may file with the Commission a request that the Commission order an applicant to file a general rate application in accordance with subsection 3 of NRS 704.110. The Commission may hold a hearing to consider such a request.

(h) In making the determination pursuant to paragraph (f) or (g), the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

2. An applicant that is a small-scale provider of last resort may submit to the Commission a written request for a waiver of the 5-year period specified in sub-subparagraph (III) of subparagraph (1) of paragraph (g) of subsection 1. The Commission shall, not later than 90 days after receipt of such a request, issue an order approving or denying the request. The Commission may approve the request if the applicant provides proof satisfactory to the Commission that the applicant is not earning more than the rate of return authorized by the Commission and that it is in the public interest for the Commission to grant the request for a waiver. The Commission shall not approve a request for a waiver if the request is submitted later than 7 years after the issuance by the Commission of a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110. If the Commission approves a request for a waiver submitted pursuant to this subsection, the applicant shall file the letter of advice pursuant to subparagraph (1) of paragraph (g) of subsection 1 not earlier than 120 days after the date on which the applicant submitted the request for a waiver pursuant to this subsection, unless the order issued by the Commission approving the request for a waiver specifies a different period for the filing of the letter of advice.

3. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 20. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68861 to 704.68887, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 , ~~[or]~~ 704.097 ~~[.]~~ *or section 17 of this act:*

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an annual deferred energy accounting adjustment application, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsection 3, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall, not later than 210 days after the date on which the application is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. The following public utilities shall each file a general rate application pursuant to this subsection based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application ~~[not]~~ *:*

(1) Not later than 5 p.m. on or before the first Monday in June ~~[2010,]~~ *2019;* and ~~[at least once]~~

(2) Once every 36 months thereafter ~~[.]~~ *or on a date specified in an alternative rate-making plan approved by the Commission pursuant to section 17 of this act.*

(b) An electric utility that primarily serves densely populated counties shall file a general rate application ~~[not]~~ *:*

(1) Not later than 5 p.m. on or before the first Monday in June ~~[2011,]~~ *2020;* and ~~[at least once]~~

(2) Once every 36 months thereafter ~~[.]~~ *or on a date specified in an alternative rate-making plan approved by the Commission pursuant to section 17 of this act.*

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

➥ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable

with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. The Commission shall consider expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement, including all reasonable projected or forecasted offsets in revenue and expenses that are directly attributable to or associated with the expected changes in circumstances under consideration, in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7, a quarterly rate adjustment pursuant to subsection 8 or 10, any information relating to deferred accounting requirements pursuant to NRS 704.185 or an annual deferred energy accounting adjustment application pursuant to NRS 704.187, if the public utility is otherwise authorized to so file by those provisions.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility which is required to adjust its rates on a quarterly basis pursuant to subsection 10; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of a public utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 2.5 cents per therm of natural gas. If the balance of the public utility's deferred account varies by less than 5 percent from the public utility's annual recorded costs of natural gas which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per therm of natural gas.

9. If the Commission approves a request to make any rate adjustments on a quarterly basis pursuant to subsection 8:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of natural gas which are the basis for any quarterly rate adjustment will be reviewed for

reasonableness and prudence in the next proceeding held by the Commission to review the annual rate adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of natural gas included in each quarterly filing and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

10. An electric utility shall adjust its rates on a quarterly basis based on changes in the electric utility's recorded costs of purchased fuel or purchased power. In addition to adjusting its rates on a quarterly basis, an electric utility may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of an electric utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 0.25 cents per kilowatt-hour of electricity. If the balance of the electric utility's deferred account varies by less than 5 percent from the electric utility's annual recorded costs for purchased fuel or purchased power which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per kilowatt-hour of electricity.

11. A quarterly rate adjustment filed pursuant to subsection 10 is subject to the following requirements:

(a) The electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every

quarter thereafter. The first quarterly adjustment to a deferred energy accounting adjustment must be made pursuant to an order issued by the Commission approving the application of an electric utility to make quarterly adjustments to its deferred energy accounting adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of purchased fuel or purchased power which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual deferred energy accounting adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of purchased fuel and purchased power included in each quarterly filing and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the electric utility to recover any recorded costs of purchased fuel and purchased power which were the result

of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the electric utility, and the Commission shall order the electric utility to adjust its rates if the Commission determines that any recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application were not reasonable or prudent.

12. If an electric utility files an annual deferred energy accounting adjustment application pursuant to subsection 11 and NRS 704.187 while a general rate application is pending, the electric utility shall:

(a) Submit with its annual deferred energy accounting adjustment application information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

13. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto, or the retirement or elimination of a utility facility identified in an emissions reduction and capacity replacement plan submitted pursuant to NRS 704.7316 and accepted by the Commission for retirement or elimination pursuant to NRS 704.751 and the regulations adopted pursuant thereto, shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing, or retiring or eliminating, as applicable, such a facility. For the purposes of this subsection, a plan or an amendment to a plan shall be deemed to be accepted by the Commission only as to that portion of the plan or amendment accepted as filed or modified with the consent of the utility pursuant to NRS 704.751.

14. In regard to any rate or schedule approved or disapproved pursuant to this section, the Commission may, after a hearing:

(a) Upon the request of the utility, approve a new rate but delay the implementation of that new rate:

(1) Until a date determined by the Commission; and

(2) Under conditions as determined by the Commission, including, without limitation, a requirement that interest charges be included in the collection of the new rate; and

(b) Authorize a utility to implement a reduced rate for low-income residential customers.

15. The Commission may, upon request and for good cause shown, permit a public utility which purchases natural gas for resale or an electric utility to make a quarterly adjustment to its deferred energy accounting adjustment in excess of the maximum allowable adjustment pursuant to subsection 8 or 10.

16. A public utility which purchases natural gas for resale or an electric utility that makes quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 8 or 10 may submit to the Commission for approval an application to discontinue making quarterly adjustments to its deferred energy accounting adjustment and to subsequently make annual

adjustments to its deferred energy accounting adjustment. The Commission may approve an application submitted pursuant to this subsection if the Commission finds that approval of the application is in the public interest.

17. As used in this section:

(a) "Deferred energy accounting adjustment" means the rate of a public utility which purchases natural gas for resale or an electric utility that is calculated by dividing the balance of a deferred account during a specified period by the total therms or kilowatt-hours which have been sold in the geographical area to which the rate applies during the specified period.

(b) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 700,000 or more than it does from customers located in counties whose population is less than 700,000.

(d) "Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 700,000 than it does from customers located in counties whose population is 700,000 or more.

Sec. 20.1. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before June 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility or utilities to:

(1) Forecast the future demands; and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.

3. The Commission shall require the utility or utilities to include in the plan:

(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources.

(b) A proposal for the expenditure of not less than 5 percent of the total expenditures related to energy efficiency and conservation programs on energy efficiency and conservation programs directed to low-income customers of the electric utility.

(c) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity that includes the deployment of distributed generation.

(d) An analysis of the effects of the requirements of NRS 704.766 to ~~[704.777,]~~ *704.776*, inclusive, on the reliability of the distribution system of the utility or utilities and the costs to the utility or utilities to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.

(e) A list of the utility's or utilities' assets described in NRS 704.7338.

(f) A surplus asset retirement plan as required by NRS 704.734.

4. The Commission shall require the utility or utilities to include in the plan a plan for construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility or utilities in meeting the portfolio standard established by NRS 704.7821.

5. The Commission shall require the utility or utilities to include in the plan a distributed resources plan. The distributed resources plan must:

(a) Evaluate the locational benefits and costs of distributed resources. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits and any other savings the distributed resources provide to the electricity grid for this State or costs to customers of the electric utility or utilities.

(b) Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.

(c) Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.

(d) Identify any additional spending necessary to integrate cost-effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to the customers of the electric utility or utilities.

(e) Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.

6. As used in this section:

(a) "Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.

(b) "Distributed generation system" has the meaning ascribed to it in NRS 701.380.

(c) "Distributed resources" means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand-response technologies.

(d) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

Sec. 20.2. NRS 704.766 is hereby amended to read as follows:

704.766 It is hereby declared to be the purpose and policy of the Legislature in enacting NRS 704.766 to ~~[704.777,]~~ *704.776,* inclusive, to:

1. Encourage private investment in renewable energy resources;
2. Stimulate the economic growth of this State;
3. Enhance the continued diversification of the energy resources used in this State; and
4. Streamline the process for customers of a utility to apply for and install net metering systems.

Sec. 20.3. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS 704.766 to ~~[704.777,]~~ *704.776,* inclusive, unless the context otherwise requires, the words and terms defined in NRS 704.7675 to 704.772, inclusive, have the meanings ascribed to them in those sections.

Sec. 20.4. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering in accordance with the provisions of NRS 704.766 to ~~[704.777,]~~ *704.776,* inclusive, to the customer-generators operating within its service area.

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Except as otherwise provided in subsection 7, shall not charge the customer-generator any fee or charge that is different than that charged to other customers of the utility in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system.

(d) Shall not reduce the minimum monthly charge of the customer generator based on the electricity generated by the customer-generator and fed back to the utility.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts, the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (d) and subsection 7, shall not charge the customer-generator any fee or charge that is different than that

charged to other customers of the utility in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, customer, demand and facility charges.

(c) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

(d) Shall not charge the customer-generator any standby charge.

4. At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by subsection 3 to pay the entire cost of the installation or upgrade of the portion of the net metering system.

5. Except as otherwise provided in subsections 2, 3 and 6 and NRS 704.7732, the utility shall not for any purpose assign a customer-generator to a rate class other than the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, for the purpose of any fee or charge.

6. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➥ the net metering system ceases to be eligible to participate in net metering.

7. A utility shall assess against a customer-generator:

(a) If applicable, the universal energy charge imposed pursuant to NRS 702.160; and

(b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827 or 704.785 which are assessed against other customers in the same rate class as the customer-generator.

➥ For any such charges calculated on the basis of a kilowatt-hour rate, the customer-generator must only be charged with respect to kilowatt-hours of energy delivered by the utility to the customer-generator.

8. The Commission and the utility must allow a customer-generator who accepts the offer of the utility for net metering to continue net metering pursuant to NRS 704.766 to ~~[704.777,]~~ *704.776,* inclusive, at the location at which the net metering system is originally installed for 20 years. For the purposes of this subsection, "to continue net metering" includes, without limitation:

(a) Retaining the percentage set forth in subsection 3 of NRS 704.7732 to be used to determine the credit for electricity governed by paragraph (c) of subsection 2 of NRS 704.775, which is applicable to the customer-generator; and

(b) Replacing the originally installed net metering system, as needed, at any time before 20 years after the date of the installation of the originally installed net metering system.

9. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to ~~[704.777,]~~ *704.776*, inclusive.

Sec. 20.5. NRS 704.776 is hereby amended to read as follows:

704.776 If the Legislature provides by law for an open, competitive retail electric energy market for all electricity customers within a service territory:

1. Each person providing electric service in that service territory shall be deemed to be a utility for the purposes of NRS 704.766 to ~~[704.777,]~~ *704.776*, inclusive;

2. The Commission or any other agency designated by law to regulate electric service in this State shall prohibit any person providing electric service in the service territory from impeding or interrupting the operation or performance or otherwise restrict the output of an existing net metering system; and

3. A customer-generator must be required to pay any costs charged to other customers of the person providing electric service to the customer-generator in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system.

Sec. 20.6. NRS 704.7815 is hereby amended to read as follows:

704.7815 "Renewable energy system" means:

1. A facility or energy system that uses renewable energy or energy from a qualified energy recovery process to generate electricity and:

(a) Uses the electricity that it generates from renewable energy or energy from a qualified recovery process in this State; or

(b) Transmits or distributes the electricity that it generates from renewable energy or energy from a qualified energy recovery process to a provider of electric service for delivery into and use in this State.

2. A solar energy system that reduces the consumption of electricity or any fossil fuel.

3. A net metering system used by a customer-generator pursuant to NRS 704.766 to ~~[704.777,]~~ *704.776*, inclusive.

Sec. 20.7. NRS 598.9804 is hereby amended to read as follows:

598.9804 "Distributed generation system" means a system or facility for the generation of electricity:

1. That uses solar energy to generate electricity;

2. That is located on the property of a customer of an electric utility;

3. That is connected on the customer's side of the electricity meter;

4. That provides electricity primarily to offset customer load on that property; and

5. The excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems used by customer-generators pursuant to NRS 704.766 to ~~[704.777,]~~ *704.776*, inclusive.

Sec. 21. The provisions of this act must not be construed to invalidate the effectiveness of any rate, charge, classification or joint rate fixed by the Commission before the effective date of this act, and such rates, charges, classifications and joint rates remain in force, and are prima facie lawful, from the date of the order of the Commission fixing such rates, charges, classifications and joint rates until changed or modified by the Commission, or pursuant to NRS 703.373 to 703.376, inclusive.

Sec. 21.5. NRS 704.777 is hereby repealed.

Sec. 22. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

704.777 Commission required to open investigatory docket to establish methods to determine impact of net metering on rates; biennial report to Legislature.

1. The Commission shall open an investigatory docket to establish a methodology to determine the impact, if any, of net metering pursuant to NRS 704.766 to 704.777, inclusive, on rates charged by a utility to its customers in this State.

2. On or before June 30, 2020, and biennially thereafter, the Commission shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report concerning the impact of net metering pursuant to NRS 704.766 to 704.777, inclusive, on rates charged by a utility to its customers in this State. The report must contain:

(a) Based on the methodology established pursuant to subsection 1, calculations of:

(1) Whether net metering pursuant to NRS 704.766 to 704.777, inclusive, has an impact on rates charged by a utility to its customers in this State; and

(2) The amount of any increase or decrease in such rates as a result of net metering pursuant to NRS 704.766 to 704.777, inclusive;

(b) An explanation of the methodology used to make the calculations required by paragraph (a);

(c) The data used to make the calculations required by paragraph (a), including, without limitation, avoided generation capacity, avoided transmission and generation capacity and avoided system upgrades;

(d) A comparison of the impact on rates of net metering pursuant to NRS 704.766 to 704.777, inclusive, and the impact on rates of capital expenditures by the utility;

(e) A description of the process for obtaining input from stakeholders in developing the methodology required by subsection 1; and

(f) A summary of comments on the written report from interested persons.

Senator Cancela moved that the Senate concur in Assembly Amendment No. 722 to Senate Bill No. 300.

Remarks by Senator Cancela.

Amendment No. 722 revises how the rates are set in Senate Bill No. 300.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 320.

The following Assembly amendment was read:

Amendment No. 784.

SUMMARY—Makes various changes concerning the placement of pupils in certain more rigorous courses. (BDR 34-681)

AN ACT relating to education; providing for the identification of pupils for placement in more rigorous courses in certain core academic subjects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law designates mathematics, English language arts , science and social studies as core academic subjects. (NRS 389.018) This bill requires the State Board of Education to adopt regulations that require each public school to establish and carry out a plan to identify pupils in grades 3 to 12, inclusive, for placement in more rigorous courses in those academic subjects. This bill requires a public school to place a pupil who is so identified in such a course unless the parent or guardian of the pupil submits to the principal of the school written notice of his or her objection to such placement. This bill also requires the board of trustees of a school district or the governing body of a charter school to establish a more rigorous course in mathematics, English language arts , science or social studies if: (1) there are sufficient numbers of pupils enrolled in the highest level of course in that subject area offered in the school district or charter school who are identified for placement in a more rigorous course to warrant the establishment of such a course; and (2) the school district or charter school has sufficient financial resources to establish the more rigorous course.

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Board shall adopt regulations that require each public school to establish and carry out a plan to identify pupils in grades 3 to 12, inclusive, for placement in more rigorous courses in mathematics, English language arts , science and social studies. The regulations must require a school to use the criterion-referenced examinations administered pursuant to NRS 390.105 or norm-referenced, nationally recognized examinations and any other methods determined appropriate by the State Board to identify pupils for such placement.

2. If a pupil is identified for placement in a more rigorous course pursuant to subsection 1 and such a course is offered at the public school in which the pupil is enrolled:

(a) The principal of the public school in which the pupil is enrolled shall provide to the parent or guardian of the pupil written notice that the pupil has been identified for such placement which must include, without limitation:

(1) The subject area for which the pupil has been identified for such placement; and

(2) A statement that the pupil will be placed in a more rigorous course in that subject area unless the parent or guardian submits to the principal a written notice of his or her objection to such placement.

(b) The pupil must be placed in the more rigorous course unless the parent or guardian submits to the principal a written notice of his or her objection to such placement.

3. The board of trustees of a school district or the governing body of a charter school shall establish a more rigorous course in mathematics, English language arts , science or social studies if:

(a) There are sufficient numbers of pupils enrolled in the highest level of a course in that subject area offered in the school district or charter school who are identified for placement in a more rigorous course pursuant to subsection 1 to warrant the establishment of such a more rigorous course; and

(b) The school district or charter school has sufficient financial resources to establish the course.

4. The provisions of this section must not be construed to require a school district or charter school to establish a course for which sufficient financial resources are not available.

Sec. 2. (Deleted by amendment.)

Sec. 3. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2020, for all other purposes.

Senator Denis moved that the Senate concur in Assembly Amendment No. 784 to Senate Bill No. 320.

Remarks by Senator Denis.

Amendment No. 784 to Senate Bill No. 320 adds science to the list of coursework that could be defined for more rigorous study.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 336.

The following Assembly amendment was read:

Amendment No. 717.

JOINT SPONSORS: ASSEMBLYMEN THOMPSON, MONROE-MORENO, TORRES, ASSEFA, FRIERSON; BILBRAY-AXELROD, CARRILLO, COHEN, DURAN, ELLISON, FLORES, GORELOW, HAFEN, HARDY, LEAVITT, MARTINEZ, MCCURDY, MILLER, MUNK, NEAL, PETERS ~~[AND]~~ , SMITH AND WATTS

SUMMARY—Requires the Governor to annually proclaim July 28 as Buffalo Soldiers Day in the State of Nevada. (BDR 19-791)

AN ACT relating to days of observance; requiring the Governor annually to proclaim July 28 to be "Buffalo Soldiers Day" in Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain days of observance in this State to commemorate certain persons or occasions or to publicize information regarding certain important topics. (NRS 236.018-236.085) This bill requires the Governor to annually proclaim July 28 to be "Buffalo Soldiers Day" in the State of Nevada.

WHEREAS, On July 28, 1866, after the end of the Civil War, Congress enacted legislation that allowed African-American men to serve in six segregated units in the United States Army during peacetime; and

WHEREAS, These new units, which consisted of former slaves and African-American soldiers that fought in the Civil War, were the 9th and 10th Cavalry, and the 38th, 39th, 40th and 41st Infantry, which were later reorganized as the 24th and 25th Infantry; and

WHEREAS, These soldiers were nicknamed Buffalo Soldiers by the Native Americans against whom they fought because of their reputation for toughness and bravery in battle and the buffalo fur coats that they wore in the winter; and

WHEREAS, Throughout the era of the Indian Wars, Buffalo Soldiers were posted from Montana in the Northwest to Texas, New Mexico and Arizona in the Southwest, making up approximately 20 percent of the United States Cavalry troops; and

WHEREAS, Besides their impressive military contributions, the Buffalo Soldiers also had a significant role in the expansion of the West by escorting settlers, cattle herds and railroad crews, exploring and mapping vast areas of the Southwest and stringing hundreds of miles of telegraph lines; and

WHEREAS, The Buffalo Soldiers were some of the first park rangers in the national parks of the Sierra Nevada, where they protected the parks from illegal

grazing, poaching, timber thieves and forest fires and helped build roads and trails in the parks for the enjoyment of all Americans; and

WHEREAS, Buffalo Soldiers also served courageously during World War I and World War II; and

WHEREAS, African-Americans have fought with distinction in all of this country's military engagements and 23 Buffalo Soldiers received the Congressional Medal of Honor, which is the highest military distinction awarded in the name of Congress to members of the armed forces for bravery and service; and

WHEREAS, It is important to honor the dedication and sacrifices of the Buffalo Soldiers, recognize the contributions that they have made to the State of Nevada and to the United States and preserve their legacy; now, therefore,

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor shall annually proclaim July 28 to be "Buffalo Soldiers Day" in the State of Nevada.

2. The proclamation must call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention of Nevada residents the important contributions Buffalo Soldiers made to the State of Nevada and the United States.

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

Senator Parks moved that the Senate concur in Assembly Amendment No. 717 to Senate Bill No. 336.

Remarks by Senator Parks.

Amendment No. 717 adds joint sponsors to Senate Bill No. 336.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 350.

The following Assembly amendment was read:

Amendment No. 785.

SUMMARY—Revises provisions relating to Nevada Promise Scholarships. (BDR 34-308)

AN ACT relating to higher education; revising provisions governing the awarding of Nevada Promise Scholarships; creating the Nevada Promise Scholarship Program to be administered by the Board of Regents of the University of Nevada; authorizing the Board of Regents to waive certain requirements for eligibility for certain students who are granted a leave of absence from the Program; revising the eligibility criteria for a student to receive a Nevada Promise Scholarship; revising provisions governing the disbursement of money from the Nevada Promise Scholarship Account; eliminating provisions requiring a community college to maintain certain

records relating to Nevada Promise Scholarships; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a community college is authorized, but not required, to award Nevada Promise Scholarships to students who meet certain requirements for eligibility. (NRS 396.965, 396.9665) This bill transfers authority for the awarding of Nevada Promise Scholarships from each community college to the Board of Regents of the University of Nevada. Section 9 of this bill creates the Nevada Promise Scholarship Program for the purpose of awarding Nevada Promise Scholarships and requires the Board of Regents to administer the Program.

Under existing law, Nevada Promise Scholarships must be used to pay the difference between the amount of the registration fee and other mandatory fees a community college charges to a student and the total amount of any other gift aid the student receives for the school year. (NRS 396.968) Section 4 of this bill defines "registration fee and other mandatory fees." Section 15 of this bill repeals the term "school year" as it relates to the Nevada Promise Scholarship Program and sections 9-12 of this bill replace it with the term "academic year." Section 2 of this bill defines the term "academic year."

Under existing law, if a community college chooses to award Nevada Promise Scholarships, it is required to perform certain specified duties, including holding training meetings for scholarship applicants and establishing a mentoring program, or entering into an agreement with a nonprofit organization or governmental entity to perform those duties. (NRS 396.965, 396.9655) Sections 9, 10 and 15 of this bill remove provisions specifying these duties and instead require the Board of Regents to adopt regulations governing the Program.

Existing law sets forth the requirements a student must meet to be eligible to receive or renew a Nevada Promise Scholarship. (NRS 396.9665, 396.967) Section 15 repeals the provision requiring that a student renew a Nevada Promise Scholarship each year. Section 10 instead provides that a student remains eligible for a Nevada Promise Scholarship so long as he or she meets certain prescribed requirements. Section 10 also decreases the number of hours of community service that a student must perform, from 20 hours before receiving a scholarship and 20 hours each year the student receives a scholarship to 8 hours before receiving a scholarship and 8 hours each semester the student receives a scholarship. Section 10 similarly decreases the number of training meetings a student must attend from two meetings to one meeting. Sections 9 and 10 remove deadlines for a student to complete certain requirements for eligibility for a Nevada Promise Scholarship and instead require the Board of Regents to adopt regulations prescribing such deadlines.

Existing law requires a student to be less than 20 years of age and have obtained a high school diploma or a general equivalency diploma or equivalent document to be eligible to receive a Nevada Promise Scholarship. (NRS 396.9665) Section 10 requires that a student have obtained a high school

diploma or successfully completed the high school equivalency assessment selected by the State Board of Education before 20 years of age to be eligible to receive a Nevada Promise Scholarship.

Existing law requires a student to complete the Free Application for Federal Student Aid to be eligible to receive a Nevada Promise Scholarship. (NRS 396.9665) Section 10 provides that a student who is prohibited by law from completing the Free Application for Federal Student Aid is authorized to complete an alternative determination for financial aid as the Board of Regents may prescribe.

Section 5 of this bill authorizes the Board of Regents to grant a student a leave of absence from the Program under certain circumstances and waive certain requirements for eligibility in the Program for a student who has been granted a leave of absence.

Existing law creates the Nevada Promise Scholarship Account and requires each participating community college to award Nevada Promise Scholarships in accordance with certain procedures for determining the amount of a scholarship for each eligible student and requesting a disbursement from the Account. If there is insufficient money available to award a full scholarship to all eligible students, existing law requires the State Treasurer to provide notice to certain entities and disburse money from the Account in a certain manner. (NRS 396.9645, 396.968) Section 11 of this bill requires the Board of Regents to: (1) calculate the maximum amount of the Scholarship each eligible student is eligible to receive; (2) determine the actual amount, if any, the eligible student will receive; and (3) award a Nevada Promise Scholarship to the student by disbursing money directly to the community college in which the student is enrolled. Section 11 also requires the State Treasurer to disburse money from the Account to the Board of Regents upon request and, if there is insufficient money in the Account, to provide notice to the Board of Regents.

Section 11 further requires the Board of Regents to adopt regulations for the disbursement of money if there is insufficient money in the Account to award a full scholarship to all eligible students. Section 11 requires such regulations to prohibit the Board of Regents from awarding any money to a student who is prohibited by law from completing the Free Application for Federal Student Aid unless all students who have completed the Free Application for Federal Student Aid have been awarded a full scholarship.

Section 12 of this bill revises certain requirements relating to an annual report that the Board of Regents must prepare and eliminates the requirement that a community college maintain certain records relating to Nevada Promise Scholarships.

Section 15 repeals certain provisions relating to Nevada Promise Scholarships to conform to the changes made in this bill.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *"Academic year" means 2 consecutive semesters, beginning with a fall semester, and 1 summer academic term at a community college.*

Sec. 3. *"Program" means the Nevada Promise Scholarship Program created by NRS 396.965.*

Sec. 4. *"Registration fee and other mandatory fees" means a registration fee assessed per credit and mandatory fees assessed per credit that are approved by the Board of Regents and charged to all students by a community college. The term does not include special course fees or fees charged for specific programs of study, books or supplies even if such fees are considered necessary for enrollment.*

Sec. 5. *1. The Board of Regents may grant a leave of absence from the Program to a student upon request. A student may request a leave of absence for:*

(a) An illness or serious medical problem of the student or a member of the student's immediate family;

(b) Extreme financial hardship for the student or a member of the student's immediate family;

(c) Engaging in any activity required or encouraged for members of the student's religious faith;

(d) Mobilization of the student's unit of the Armed Forces of the United States or National Guard; or

(e) Any other extraordinary circumstances beyond the control of the student that would create a substantial hardship for the student, as determined by the Board of Regents.

2. If the Board of Regents grants a leave of absence to a student, the Board of Regents shall:

(a) Make a determination in accordance with regulations adopted by the Board of Regents as to which requirements for eligibility in the Program set forth in NRS 396.9665 are appropriate to waive for the student; and

(b) Waive requirements for eligibility as determined pursuant to paragraph (a) for the student for the length of the leave of absence.

3. The Board of Regents shall adopt regulations establishing:

(a) Procedures for a student to request a leave of absence pursuant to subsection 1; and

(b) Criteria for determining appropriate requirements for eligibility to waive for a student who has been granted a leave of absence pursuant to subsection 2.

Sec. 6. NRS 396.961 is hereby amended to read as follows:

396.961 As used in NRS 396.961 to 396.9685, inclusive, *and sections 2 to 5, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 396.9615 to 396.964, inclusive, *and sections 2, 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 396.9625 is hereby amended to read as follows:

396.9625 "Nevada Promise Scholarship" means a scholarship awarded by ~~[a participating community college]~~ *the Board of Regents* pursuant to

NRS 396.968.

Sec. 8. NRS 396.9645 is hereby amended to read as follows:

396.9645 1. The Nevada Promise Scholarship Account is hereby created in the State General Fund. The Account must be administered by the State Treasurer.

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Account from the State General Fund,

➥ must be credited to the Account.

3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund, does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The State Treasurer may accept gifts and grants of money from any source for deposit in the Account.

5. The money in the Account may only be used to distribute money to ~~[participating community colleges]~~ *the Board of Regents* for the purpose of awarding Nevada Promise Scholarships to students who are eligible to receive ~~[or renew]~~ such scholarships under the provisions of NRS 396.9665 . ~~[and 396.967.]~~

Sec. 9. NRS 396.965 is hereby amended to read as follows:

396.965 1. ~~[On or before October 1 of each year, each community college shall:~~

~~(a) Determine whether it will participate in the]~~ *The* Nevada Promise Scholarship ~~[program established by NRS 396.961 to 396.9685, inclusive, for the immediately following school year; and~~

~~(b) Post on a publicly accessible Internet website maintained by the community college notice of the determination described in paragraph (a).~~

~~2. Each community college that elects to participate in the]~~ *Program is hereby created for the purpose of awarding* Nevada Promise ~~[Scholarship program established by NRS 396.961 to 396.9685, inclusive, for the immediately following school year shall:~~

~~(a) Conduct the activities required by NRS 396.9655 or enter into an agreement with one or more nonprofit organizations or governmental entities to conduct those activities.~~

~~(b) Allow an applicant or scholarship recipient]~~ *Scholarships to eligible students to pay for the difference between the amount of the registration fee and other mandatory fees charged to a student by a community college for the academic year and the total amount of any other gift aid received by the student for the academic year.*

2. The Board of Regents shall administer the Program.

3. In administering the Program, the Board of Regents shall adopt regulations governing:

(a) The procedures and standards for determining the eligibility of a student for a Nevada Promise Scholarship pursuant to NRS 396.9665.

(b) An application process administered through the community colleges which allows a student to participate in the Program.

(c) Deadlines for a student to satisfy the requirements for eligibility in the Program.

(d) A training program administered through the community colleges which allows a student to satisfy the requirements of paragraph (f) of subsection 1 of NRS 396.9665.

(e) A mentoring program administered through the community colleges which allows a student to satisfy the requirements of paragraph (g) of subsection 1 of NRS 396.9665.

(f) The criteria for completing the community service requirements of paragraph (h) of subsection 1 of NRS 396.9665.

(g) Procedures which allow a student to appeal any adverse decision concerning his or her eligibility to receive ~~[or renew]~~ a Nevada Promise Scholarship . ~~[under the provisions of NRS 396.9665 or 396.967 or request a waiver, for good cause, of the requirements of paragraph (c) of subsection 2 of NRS 396.967 concerning continuous enrollment. If the participating community college has established a process by which a student may appeal other decisions, the participating community college must use the same process for appealing an adverse decision described in this subsection.~~

~~3. A participating]~~

(h) Procedures for a community college ~~[may]~~ *to* accept gifts, grants and donations from any source for the purposes of ~~[administering]~~ *carrying out its duties under* the ~~[Nevada Promise Scholarship program established by NRS 396.961 to 396.9685, inclusive.]~~ *Program as prescribed by the Board of Regents.*

(i) Procedures and standards for determining the eligibility of a student for financial aid if the student is prohibited by law from completing the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090.

4. The Board of Regents may adopt regulations authorizing a community college to enter into an agreement with one or more nonprofit organizations or governmental entities to conduct any activities required by the Board of Regents for a training program which allows a student to satisfy the requirements of paragraph (f) of subsection 1 of NRS 396.9665 and a mentoring program which allows a student to satisfy the requirements of paragraph (g) of subsection 1 of NRS 396.9665.

5. The Board of Regents may adopt any other regulations necessary to carry out the Program.

Sec. 10. NRS 396.9665 is hereby amended to read as follows:

396.9665 ~~[A student is]~~

1. To be eligible to receive a Nevada Promise Scholarship ~~[for the first school year in which the student is enrolled at a participating community college if the]~~ , *a* student ~~[:~~

~~1. Is~~ *must:*

(a) Be a bona fide resident of this State, as construed in NRS 396.540 . ~~[, is less than 20 years of age and has]~~

(b) Have not previously been awarded an associate's degree or bachelor's degree.

~~[2. Has]~~

(c) Have obtained ~~[:~~

~~(a) A]~~ *a* high school diploma awarded by a public or private high school located in this State or public high school that is located in a county that borders this State and accepts pupils who are residents of this State ~~[;]~~ or

~~[(b) A general]~~ *have successfully completed the high school* equivalency ~~[diploma or equivalent document.~~

~~3. Is not in default on any federal student loan and does not owe a refund to any federal program to provide aid to students.~~

~~4. Before November 1 immediately preceding the school year for which the student wishes to receive a]~~ *assessment selected by the State Board pursuant to NRS 390.055 before 20 years of age.*

(d) Complete the application for the Nevada Promise Scholarship ~~[, submits an application in the form prescribed by the participating community college.~~

~~5. On or before April 1 immediately preceding the school year for which the student wishes to receive a Nevada Promise Scholarship, completes]~~ *Program in accordance with the regulations prescribed by the Board of Regents.*

(e) Complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 ~~[.~~

~~6. Receives an Expected Family Contribution from the United States Department of Education.~~

~~7. Attends at least]~~ *or, if the student is prohibited by law from completing the Free Application for Federal Student Aid, an alternative determination for financial aid prescribed by the Board of Regents for each academic year of participation in the Program on or before the deadline prescribed by the Board of Regents.*

(f) Before enrolling in a community college, participate in one training meeting ~~[held by a participating community college or local partnering organization pursuant to subsection 2 of NRS 396.9655 and at least one such meeting held pursuant to subsection 3 of that section, or arranges to receive the training provided in those meetings at an alternate time pursuant to subsection 4 of that section.~~

~~8. Before May 1 immediately preceding the school year for which the student wishes to receive a Nevada Promise Scholarship:~~

~~(a) Has]~~ *related to financial aid, the Free Application for Federal Student Aid and college orientation, as prescribed by the Board of Regents by regulation.*

(g) Have met at least once with ~~[the]~~ *a* mentor assigned to the student *through the mentoring program established by the Board of Regents* pursuant to NRS ~~[396.9655.~~

~~(b) Completes]~~ *396.965 before the first semester of enrollment at a community college and at least twice for each academic year while participating in the Program.*

(h) Complete at least ~~[20]~~ *8* hours of community service ~~[that meets the requirements of NRS 396.9675 and submits to the participating]~~ *during the last year of high school and before the first semester of enrollment at a* community college ~~[verification of the completion of that]~~ *and at least 8 hours of* community service ~~[. The verification must include:~~

~~(1) A description of the community]~~ *each semester thereafter, not including summer academic terms, while participating in the Program. Community* service performed ~~[;~~

~~(2) The dates on which the service was performed and the number of hours of]~~ *to satisfy the requirements of this paragraph must not include religious proselytizing or* service ~~[performed on each date;~~

~~(3) The name of the organization for which the service was performed; and~~

~~(4) The name of a person employed by the organization whom the participating community college may contact to verify the information contained in the verification.~~

~~(c) Submits]~~ *for which the student receives any type of compensation or which directly benefits a member of the family of the student.*

(i) Submit all information deemed necessary by the ~~[participating community college]~~ *Board of Regents* to determine the ~~[applicant's]~~ *student's* eligibility for gift aid.

~~[9. Is]~~

(j) Except as otherwise provided in subsection 2, be enrolled in ~~[or plans to enroll in]~~ at least 12 semester credit hours in ~~[an associate's degree]~~ *a* program ~~[, a bachelor's]~~ *of study leading to a recognized* degree ~~[program]~~ or ~~[a]~~ certificate ~~[of achievement program]~~ at a ~~[participating]~~ community college for ~~[each]~~ *the fall* semester of the ~~[school]~~ *academic* year immediately following the school year in which the student was awarded a high school diploma or ~~[a general]~~ *have successfully completed the high school* equivalency ~~[diploma or equivalent document.]~~ *assessment selected by the State Board pursuant to NRS 390.055.*

(k) Except as otherwise provided in subsection 2 and this paragraph, be enrolled in at least 12 semester credit hours in a program of study leading to a recognized degree or certificate at a community college for each fall semester and spring semester beginning with the first semester for which the student received a Nevada Promise Scholarship, not including summer academic terms. A student who is on schedule to graduate at:

(1) The end of a semester may enroll in the number of semester credit hours required to graduate.

(2) The end of a fall semester is not required to enroll in credit hours for the spring semester.

(l) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the community college in which the student is enrolled.

2. The Board of Regents shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(a) The limitation on eligibility for a Nevada Promise Scholarship set forth in paragraph (b) of subsection 3; and

(b) The minimum number of credits prescribed in paragraphs (j) and (k) of subsection 1.

3. A student who meets the requirements of subsection 1 is eligible for a Nevada Promise Scholarship from the Program until the occurrence of the first of the following events:

(a) The student is awarded an associate's degree or bachelor's degree; or

(b) Except as otherwise provided in subsection 2, the student receives a Nevada Promise Scholarship from the Program for 2 academic years, not including the initial academic year.

Sec. 11. NRS 396.968 is hereby amended to read as follows:

396.968 1. ~~[Each participating community college]~~ *The Board of Regents* shall award Nevada Promise Scholarships in accordance with this section to students who are enrolled at ~~[the participating]~~ *a* community college and are eligible to receive ~~[or renew]~~ such scholarships under the provisions of NRS 396.9665 . ~~[and 396.967.]~~

2. ~~[On or before July 1 of each year, a participating community college]~~ *For each eligible student, the Board of Regents* shall:

(a) ~~[Review all timely applications received pursuant to NRS 396.9665 and 396.967 to determine the eligibility of each applicant for]~~ *Calculate the maximum amount of* a Nevada Promise Scholarship ~~[and for gift aid;]~~ *which the student is eligible to receive based on criteria established by regulation pursuant to this section.*

(b) ~~[Review information submitted by each eligible applicant to determine the amount of]~~ *Determine the actual amount of the Nevada Promise Scholarship, if any, which will be awarded to the student, which must not exceed the maximum amount calculated pursuant to paragraph (a), but which may be in a lesser amount if the Board of Regents receives notice from the State Treasurer pursuant to subsection 3 that the money available in* the Nevada Promise Scholarship ~~[the student would receive under the provisions of subsection 6 and notify each applicant whether the applicant is]~~ *Account for any semester is insufficient to award to all* eligible ~~[to receive]~~ *students the*

maximum amount of a Nevada Promise Scholarship ~~[for the immediately following school year; and]~~ *which each student is eligible to receive.*

(c) ~~[After reviewing applications pursuant to paragraph (a), submit to the State Treasurer the number of students whose applications have been approved and the amount of money that will be required to fund a scholarship for each eligible student pursuant to subsection 6 if no student receives additional gift aid.]~~ *If the student is to receive a Nevada Promise Scholarship, award the student a Nevada Promise Scholarship in the amount determined pursuant to paragraph (b). The Board of Regents shall disburse the amount of the Nevada Promise Scholarship awarded to the student, on behalf of the student, directly to the community college in which the student is enrolled.*

3. ~~[On the date prescribed by regulation of the State Treasurer, a participating community college]~~ *The Board of Regents* shall submit a request for a disbursement from the Nevada Promise Scholarship Account created by NRS 396.9645 ~~[in]~~ *for* the *maximum* amount ~~[prescribed by subsection 6]~~ *of money that will be required to fund a scholarship* for each eligible student.

~~[4. A participating community college shall use the money disbursed pursuant to subsection 5 to pay the difference between the amount of the registration fee and other mandatory fees charged to the student by the participating community college for the school year, excluding any amount of those fees that is waived by the participating community college, and the total amount of any other gift aid received by the student for the school year. The community college shall not refund to a student any money disbursed to the participating community college pursuant to subsection 5.~~

~~5.]~~ Within the limits of money available in the Nevada Promise Scholarship Account, the State Treasurer shall disburse ~~[to a participating community college]~~ the amount requested ~~[pursuant to subsection 3.]~~ *to the Board of Regents for disbursement to each community college.* If there is insufficient money in the Account to disburse that amount to each ~~[participating]~~ community college ~~[:~~

~~(a) The]~~ , *the* State Treasurer shall ~~[determine whether there is sufficient money in the Account to disburse the amount requested for all students who applied to renew a Nevada Promise Scholarship and disburse the available money in the Account to each participating community college in the following manner:~~

~~(1) If there is insufficient money in the Account to disburse the amount requested for all students who applied to renew a Nevada Promise Scholarship, the State Treasurer shall not disburse any amount requested for first-time recipients of a Nevada Promise Scholarship and shall disburse money to each participating community college to fund a scholarship for each student who applied to renew a Nevada Promise Scholarship, in the order in which applications were received by the participating community college, until the money in the Account is exhausted; and~~

~~(2) If there is sufficient money in the Account to disburse the amount requested for all students who applied to renew a Nevada Promise Scholarship,~~

~~the State Treasurer shall first disburse the money requested by each participating community college for all students who applied to renew a Nevada Promise Scholarship and then disburse money to each participating community college to fund a scholarship for each student who applied for the first time to receive a Nevada Promise Scholarship, in the order in which applications were received by the participating community college, until the money in the Account is exhausted.~~

~~(b) The State Treasurer shall~~] provide notice that insufficient money remains in the Nevada Promise Scholarship Account to [~~:~~

~~(1) The Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education, the Legislative Commission and next regular session of the Legislature; and~~

~~(2) The board of trustees of each school district and the governing body of each charter school in this State. Upon receiving such notice, the board of trustees or governing body, as applicable, shall notify each pupil who is enrolled in a school in the district or the charter school and is on schedule to receive a standard high school diploma at the end of the current school year.~~

~~(c) A participating community college shall~~] *the Board of Regents. The State Treasurer shall include in the notice the amount of money available for the* award *of* Nevada Promise Scholarships [~~in accordance with the provisions of paragraph (a) in a manner that gives priority first to students applying for renewal of a Nevada Promise Scholarship and then to applications received by the participating community college pursuant to NRS 396.9665, in the order in which they were received.~~

~~6. Within the limits of money available in the~~] *for the academic year and request that a new request be submitted.*

4. The Board of Regents shall adopt regulations prescribing:

(a) The criteria for determining the maximum amount of a Nevada Promise Scholarship [~~Account, the amount of money awarded to a scholarship recipient pursuant to this section must be~~] *for an eligible student which is* equal to the difference between the amount of the registration fee and other mandatory fees charged to the student by the [~~participating~~] community college *in which the student is enrolled* for the [~~school~~] *academic* year, excluding any amount of those fees that is waived by the [~~participating~~] community college [~~,~~] *in which the student is enrolled,* and the total amount of any other gift aid received by the student for the [~~school~~] *academic* year.

(b) The procedures for submitting a request for disbursement from the Nevada Promise Scholarship Account.

(c) The procedures and standards for determining the actual amount of the Nevada Promise Scholarship which will be awarded to each student upon receiving notice that there is insufficient money to award all eligible students the maximum amount of the scholarship which each student is eligible to receive. Such procedures and standards ~~[may]~~ :

(1) Must prohibit the Board of Regents from awarding any money to a student who is prohibited by law from completing the Free Application for

Federal Student Aid provided for by 20 U.S.C. § 1090 unless all students who have completed the Free Application for Federal Student Aid have been awarded the maximum amount calculated pursuant to paragraph (a) of subsection 2; and

(2) May include, without limitation, administration of the program on a first-come, first-served basis for all students who have completed the Free Application for Federal Student Aid and are otherwise eligible to participate in the Program.

(d) Procedures to ensure that all money from a Nevada Promise Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Nevada Promise Scholarship Account and not the student.

Sec. 12. NRS 396.9685 is hereby amended to read as follows:

396.9685 1. On or before August 1 of each year, the Board of Regents shall:

(a) Review all Nevada Promise Scholarships awarded for the immediately preceding ~~[school]~~ *academic* year;

(b) Compile a report for the immediately preceding ~~[school]~~ *academic* year, which must include the number of *students who applied for a scholarship, the number of students who received a* scholarship *,* ~~[recipients,]~~ the total cost associated with the award of Nevada Promise Scholarships, the total number of hours of community service performed pursuant to NRS 396.9665 *,* ~~[and 396.967,]~~ the ~~[overall]~~ graduation rate of *students who received a* scholarship ~~[recipients, the graduation rate of scholarship recipients enrolled at each participating community college,]~~ *and* the ~~[overall]~~ scholarship retention rate *;* ~~[and the scholarship retention rate for students at each participating community college;]~~ and

(c) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the next regular session of the Legislature; and

(2) In odd-numbered years, the Legislative Committee on Education.

2. ~~[A participating community college shall maintain a record for each scholarship recipient for at least 3 years after the end of the final school year for which he or she receives a scholarship. Such a record must include:~~

~~(a) The name of the scholarship recipient;~~

~~(b) The total amount of money awarded to the scholarship recipient and the amount of money awarded to the scholarship recipient each school year;~~

~~(c) The courses in which the scholarship recipient enrolled and the courses completed by the scholarship recipient;~~

~~(d) The grades received by the scholarship recipient;~~

~~(e) Whether the scholarship recipient is currently enrolled in the participating community college and, if not, whether he or she earned an associate's degree, a bachelor's degree or a certificate of achievement; and~~

~~(f) The records of community service submitted by the scholarship recipient pursuant to NRS 396.9665 and 396.967.~~

~~3. Except as otherwise provided in this section, the Board of Regents and the State Treasurer may at any time audit the practices used by a participating community college or local partnering organization to carry out the provisions of NRS 396.961 to 396.9685, inclusive. The Board of Regents and State Treasurer shall not conduct an audit less than 6 months after the most recently conducted audit.~~

~~4. A participating community college shall provide the Board of Regents and the State Treasurer with access to the records maintained pursuant to subsection 2 for the purposes of an annual report compiled pursuant to subsection 1 or an audit conducted pursuant to subsection 3. Those records are otherwise confidential and are not public records.~~

~~5.~~] As used in this section, "scholarship retention rate" means the percentage of *students who received a* scholarship ~~[recipients]~~ for the ~~[school]~~ *academic* year immediately preceding the ~~[school]~~ *academic* year to which a report compiled pursuant to subsection 1 pertains who did not graduate by the end of that ~~[school]~~ *academic* year and who also received a Nevada Promise Scholarship for the ~~[school]~~ *academic* year to which the report pertains.

Sec. 13. The amendatory provisions of paragraph (h) of subsection 1 of NRS 396.9665, as amended by section 10 of this act, apply to any student who obtained a high school diploma or successfully completed the high school equivalency assessment selected by the State Board of Education pursuant to NRS 390.055 on or after June 1, 2018.

Sec. 14. 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. 15. NRS 396.962, 396.963, 396.9635, 396.964, 396.9655, 396.966, 396.967 and 396.9675 are hereby repealed.

Sec. 16. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act; and on July 1, 2019, for all other purposes.

LEADLINES OF REPEALED SECTIONS

396.962 "Local partnering organization" defined.

396.963 "Participating community college" defined.

396.9635 "Scholarship recipient" defined.

396.964 "School year" defined.

396.9655 Participating community college or local partnering organization to hold certain training meetings; make-up meetings; establishment of mentoring program for scholarship applicants and recipients; maintenance and posting of list of community service opportunities.

396.966 Eligibility to serve as mentor in mentoring program.

396.967 Renewal of Nevada Promise Scholarship.

396.9675 Ineligibility for Scholarship for submitting false or misleading information; deadlines; prohibition against certain community service to satisfy requirements.

Senator Denis moved that the Senate concur in Assembly Amendment No. 785 to Senate Bill No. 350.

Remarks by Senator Denis.

Amendment No. 785 to Senate Bill No. 350 does two things. It adds an alternative determination for financial aid for students prohibited by law for filling for federal aid, and it can only be awarded if all other applicants receive the award first.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 395.

The following Assembly amendment was read:

Amendment No. 775.

SUMMARY—Revises provisions relating to public safety. (BDR 43-822)

AN ACT relating to public safety; authorizing the Director of the Department of Public Safety to designate certain vehicles of the Department as authorized emergency vehicles; authorizing a tow car and certain other vehicles owned by contractors of the Department of Transportation to display nonflashing blue lights in certain circumstances; removing certain provisions regarding notification of nonconsensual tows in certain circumstances; authorizing certain agreements and payments between property owners and tow car operators in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law designates certain vehicles as authorized emergency vehicles, including those vehicles publicly owned and operated in the performance of the duty of various law enforcement agencies, fire departments and other enforcement or lifesaving agencies. (NRS 484A.480) Section 1 of this bill adds to the list of authorized emergency vehicles any vehicle owned and operated by the Department of Public Safety that has been so designated by the Director of the Department.

Under existing law, a tow car used to tow disabled vehicles is required to be equipped with flashing amber warning lights which must be displayed to warn approaching drivers under certain circumstances. (NRS 484D.475) The driver of a vehicle approaching any traffic incident where such flashing amber warning lights are being displayed must take certain precautions for the purposes of traffic safety. (NRS 484B.607) Section 3 of this bill authorizes a tow car to also be equipped with rear facing lamps that emit nonflashing blue light. Such lamps may only be displayed at the scene of a traffic incident or when the tow car is otherwise preparing to tow a disabled vehicle. Section 2 of this bill requires that any such lamps must comply with standards approved by the Department of Motor Vehicles. (NRS 484B.748) Section 2.5 of this bill similarly authorizes certain vehicles owned by persons who contract with the

Department of Transportation to aid motorists or mitigate traffic incidents to be equipped with rear facing lamps that emit nonflashing blue light. Section ~~[1]~~ 1.5 of this bill adds the display of nonflashing blue lights to the circumstances under which a driver approaching a traffic incident must take certain precautions.

Existing law requires the owner or person in lawful possession of any real property to orally notify local law enforcement if the owner or person in lawful possession has directed the towing of a vehicle from the property without the consent of the owner of the vehicle. (NRS 487.038) Section 4 of this bill provides that such notification is only required if the tow operator has not already made such a notification. Existing law also provides that the costs of towing and storage of such a vehicle must be borne by the owner of the vehicle. Section 4 provides that such costs include, if applicable, the disposition of the vehicle. Section 4 further provides that, if the tow operator and the owner or person in lawful possession of the property agree that the vehicle is likely to be ultimately disposed of as an abandoned vehicle and that the estimated disposition value of the vehicle to be towed is less than the estimated cost for towing, storage and disposition of the vehicle, the tow operator and owner or person in lawful possession may enter into an agreement whereby the owner or person in lawful possession makes a voluntary payment to the tow operator. Such a payment does not reduce the amount of the costs incurred that are to be borne by the owner of the vehicle, and may not be a condition for the towing of the vehicle.

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

Section 1. NRS 484A.480 is hereby amended to read as follows:

484A.480 1. Except as otherwise provided in NRS 484A.490, authorized emergency vehicles are vehicles publicly owned and operated in the performance of the duty of:

(a) A police or fire department.

(b) A sheriff's office.

(c) The *Department of Public Safety, for vehicles that are:*

(1) Operated in the performance of the duty of the Capitol Police Division, the Investigation Division, the Nevada Highway Patrol Division, the State Fire Marshal Division, the Training Division and the Office of the Director of the Department of Public Safety ~~[.]~~ *; or*

(2) Designated an authorized emergency vehicle by the Director of the Department of Public Safety.

(d) The Division of Forestry of the State Department of Conservation and Natural Resources in responding to a fire.

(e) The Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel in the Department of Motor Vehicles.

(f) A public ambulance agency.

(g) A public lifeguard or lifesaving agency.

2. A vehicle publicly maintained in whole or in part by the State, or by a city or county, and privately owned and operated by a regularly salaried member of a police department, sheriff's office or traffic law enforcement department, is an authorized emergency vehicle if:

(a) The vehicle has a permit, pursuant to NRS 484A.490, from the Department of Public Safety;

(b) The person operates the vehicle in responding to emergency calls or fire alarms, or at the request of the Nevada Highway Patrol or in the pursuit of actual or suspected violators of the law; and

(c) The State, county or city does not furnish a publicly owned vehicle for the purposes stated in paragraph (b).

3. Every authorized emergency vehicle must be equipped with at least one flashing red warning lamp visible from the front and a siren for use as provided in chapters 484A to 484E, inclusive, of NRS, which lamp and siren must be in compliance with standards approved by the Department of Public Safety. In addition, an authorized emergency vehicle may display revolving, flashing or steady red or blue warning lights to the front, sides or rear of the vehicle.

4. An authorized emergency vehicle may be equipped with a system or device that causes the upper-beam headlamps of the vehicle to continue to flash alternately while the system or device is activated. The driver of a vehicle that is so equipped may use the system or device when responding to an emergency call or fire alarm, while escorting a funeral procession, or when in pursuit of an actual or suspected violator of the law. As used in this subsection, "upper-beam headlamp" means a headlamp or that part of a headlamp which projects a distribution of light or composite beam meeting the requirements of subsection 1 of NRS 484D.210.

5. Except as otherwise provided in subsection 4, a person shall not operate a motor vehicle with any system or device that causes the headlamps of the vehicle to continue to flash alternately or simultaneously while the system or device is activated. This subsection does not prohibit the operation of a motorcycle equipped with any system or device that modulates the intensity of light produced by the headlamp of the motorcycle, if the system or device is used only during daylight hours and conforms to the requirements of 49 C.F.R. § 571.108.

6. A person shall not operate a vehicle with any lamp or device displaying a red light visible from directly in front of the center of the vehicle except an authorized emergency vehicle, a school bus or an official vehicle of a regulatory agency.

7. A person shall not operate a vehicle with any lamp or device displaying a blue light, except a motorcycle pursuant to NRS 486.261 or an authorized emergency vehicle.

~~[Section 1.]~~ *Sec. 1.5.* NRS 484B.607 is hereby amended to read as follows:

484B.607 1. Upon approaching any traffic incident, the driver of the approaching vehicle shall, in the absence of other direction given by a law

enforcement officer:

(a) Decrease the speed of the vehicle to a speed that is reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600;

(b) Proceed with caution;

(c) Be prepared to stop; and

(d) If possible, drive in a lane that is not adjacent to the lane or lanes where the traffic incident is located unless roadway, traffic, weather or other conditions make doing so unsafe or impossible.

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

3. As used in this section, "traffic incident" means any vehicle, person, condition or other traffic hazard which is located on or near a roadway and which poses a danger to the flow of traffic or to a person involved in, responding to or assisting with the traffic hazard. The term includes, without limitation:

(a) An authorized emergency vehicle which is stopped and is making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480;

(b) A tow car which is stopped and is making use of flashing amber warning lights meeting the requirements of NRS 484B.748 ~~[,]~~ *or lamps that emit nonflashing blue light meeting the requirements of NRS 484D.475, or both;*

(c) An authorized vehicle used by the Department of Transportation which is stopped or moving at a speed slower than the normal flow of traffic and which is making use of flashing amber warning lights meeting the requirements of subsection 1 of NRS 484D.185 or lamps that emit nonflashing blue light meeting the requirements of NRS 484D.200;

(d) *A vehicle, owned or operated by a person who contracts with the Department of Transportation to provide aid to motorists or to mitigate traffic incidents, which is stopped or moving at a speed slower than the normal flow of traffic and making use of lamps that emit nonflashing blue light meeting the requirements of NRS 484D.200;*

(e) A public utility vehicle which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.195;

~~[(e)]~~ *(f)* An authorized vehicle of a local governmental agency which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.185;

~~[(f)]~~ *(g)* Any vehicle which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.185;

~~[(g)]~~ *(h)* A crash scene;

~~[(h)]~~ *(i)* A stalled vehicle;

~~[(i)]~~ *(j)* Debris on the roadway; or

~~[(j)]~~ *(k)* A person who is out of his or her vehicle attending to a repair of the vehicle.

Sec. 2. NRS 484B.748 is hereby amended to read as follows:

484B.748 1. A tow car which is equipped with flashing amber warning lights pursuant to NRS 484D.185 may display flashing amber warning lights to the front, sides or rear of the tow car when at the scene of a traffic hazard.

2. *A tow car which is equipped with lamps that emit nonflashing blue light pursuant to NRS 484D.475 may display nonflashing blue light to the rear of the tow car when at the scene of a traffic hazard.*

3. Any flashing amber warning light *or lamps that emit nonflashing blue light* used pursuant to this section must comply with the standards approved by the Department.

Sec. 2.5. NRS 484D.200 is hereby amended to read as follows:

484D.200 *1.* An authorized vehicle used by the Department of Transportation for the construction, maintenance or repair of highways *or a vehicle owned by a person who contracts with the Department to aid motorists or mitigate traffic incidents* may be equipped with lamps located toward the rear of the vehicle that emit nonflashing blue light which may be used:

~~[1.]~~ *(a)* For vehicles that perform construction, maintenance or repair of highways, including, without limitation, vehicles used for the removal of snow, when the vehicle is engaged in such construction, maintenance or repair; ~~[and~~

~~2.]~~ *(b)* For ~~[all]~~ other authorized vehicles of the Department of Transportation used in the construction, maintenance or repair of highways:

~~[(a)]~~ *(1)* In an area designated as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted; and

~~[(b)]~~ *(2)* At a time when the workers who are performing the construction, maintenance or repair of the highway are present ~~[.]~~ *; and*

(c) For a vehicle owned by a person who contracts with the Department to aid motorists or mitigate traffic incidents, at a time when the vehicles or the workers who are performing the aid or mitigation are present.

2. As used in this section, "traffic incident" has the meaning ascribed to it in NRS 484B.607.

Sec. 3. NRS 484D.475 is hereby amended to read as follows:

484D.475 *1.* Tow cars used to tow disabled vehicles must be equipped with:

~~[1.]~~ *(a)* Flashing amber warning lamps which must be displayed as may be advisable to warn approaching drivers during the period of preparation at the location from which a disabled vehicle is to be towed. A flashing amber warning lamp upon a tow car may be displayed to the rear when the tow car is towing a vehicle and moving at a speed slower than the normal flow of traffic.

~~[2.]~~ *(b)* At least two red flares, two red lanterns or two warning lights or reflectors which may be used in conjunction with the flashing amber warning lamps *or lamps that emit nonflashing blue light, or both,* or in place of those lamps if the lamps are obstructed or damaged at the location from which a disabled vehicle is to be towed.

2. A tow car used to tow disabled vehicles may be equipped with rear facing lamps that emit nonflashing blue light. Lamps that emit nonflashing blue light to the rear of the tow car may only be displayed when the tow car is at the scene of a traffic hazard or during the period of preparation at the location from which a disabled vehicle is to be towed, and must not be displayed when the tow car is being operated on a highway.

Sec. 4. NRS 487.038 is hereby amended to read as follows:

487.038 1. Except as otherwise provided in subsections 3 and 4, the owner or person in lawful possession of any real property may, after giving notice pursuant to subsection 2, utilize the services of any tow car operator subject to the jurisdiction of the Nevada Transportation Authority to remove any vehicle parked in an unauthorized manner on that property to the nearest public garage or storage yard if:

(a) A sign is displayed in plain view on the property declaring public parking to be prohibited or restricted in a certain manner; and

(b) The sign shows the telephone number of the police department or sheriff's office.

2. ~~[Oral]~~ *Unless notice has been provided pursuant to NRS 706.4477, oral* notice must be given to the police department or sheriff's office, whichever is appropriate, indicating:

(a) The time the vehicle was removed;

(b) The location from which the vehicle was removed; and

(c) The location to which the vehicle was taken.

3. Any vehicle which is parked in a space designated for persons with disabilities and is not properly marked for such parking may be removed if notice is given to the police department or sheriff's office pursuant to subsection 2, whether or not a sign is displayed pursuant to subsection 1.

4. The owner or person in lawful possession of residential real property upon which a single-family dwelling is located may, after giving notice pursuant to subsection 2, utilize the services of any tow car operator subject to the jurisdiction of the Nevada Transportation Authority to remove any vehicle parked in an unauthorized manner on that property to the nearest public garage or storage yard, whether or not a sign is displayed pursuant to subsection 1.

5. All costs incurred under the provisions of this section for *the* towing , ~~[and]~~ storage *and disposition of the vehicle, as applicable,* must be borne by the owner of the vehicle, as that term is defined in NRS 484A.150.

6. The provisions of this section do not limit or affect any rights or remedies which the owner or person in lawful possession of real property may have by virtue of other provisions of the law authorizing the removal of a vehicle parked on that property.

7. If the owner or person in lawful possession of real property and the tow operator agree that the vehicle is likely to be ultimately disposed of as an abandoned vehicle and that the estimated disposition value of a vehicle to be towed pursuant to this section is less than the estimated cost for the towing, storage and disposal of the vehicle, the owner or person in lawful possession

of real property and the tow operator may enter into an agreement whereby the owner or person in lawful possession of real property makes a voluntary payment to the tow operator. Such a payment:

(a) Does not reduce the costs incurred by the owner of the vehicle pursuant to subsection 5.

(b) May not be a condition for the towing of the vehicle.

Sec. 5. This act becomes effective on July 1, 2019.

Senator Cancela moved that the Senate concur in Assembly Amendment No. 775 to Senate Bill No. 395.

Remarks by Senator Cancela.

Amendment No. 775 to Senate Bill No. 395 authorizes the Director of the Department of Public Safety to designate certain vehicles of the Department as authorized emergency vehicles.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 407.

The following Assembly amendment was read:

Amendment No. 712.

SUMMARY—Revises provisions relating to professional engineers and professional land surveyors. (BDR 54-609)

AN ACT relating to professions; revising provisions governing public land survey corners; revising provisions governing professional engineers and professional land surveyors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the practice of professional engineering and the practice of land surveying. (Chapter 625 of NRS) Existing law authorizes the State Board of Professional Engineers and Land Surveyors to waive the educational requirements for licensure and issue a license as a professional engineer or professional land surveyor under certain circumstances to applicants who took the examination for licensure before August 1, 2014. (NRS 625.203, 625.285) Section 11 of this bill eliminates that obsolete authority and sections 1 and 2 of this bill make conforming changes. Existing law specifies educational or experience requirements for eligibility for certification of an applicant as a land surveyor intern or as an engineer intern. (NRS 625.386) Section 3 of this bill eliminates the experience requirements, thereby making an applicant eligible for certification only if the applicant meets the educational requirements.

With certain exceptions, under existing law: (1) a firm, partnership, corporation or other person engaged in or offering to engage in the practice of engineering or land surveying is required to employ on a full-time basis at least one professional engineer or professional land surveyor, as applicable, at each place of business where the engineering or land surveying work is or will be performed; and (2) all engineering or land-surveying work done at such a place of business must be performed under the professional engineer or land

surveyor who has been placed in responsible charge of the work and is employed full-time at that place of business. (NRS 625.407) Section 4 of this bill eliminates the requirement that an engineering or land surveying business employ a professional engineer or land surveyor, as applicable, at each of its places of business and instead only requires that the business employ at least one such applicable professional for the entire business. As a result of this change, section 4 also eliminates the requirement that the work at each place of business of such a business be performed under a professional engineer or land surveyor that is employed at that place of business, thereby allowing for such supervision of work to occur remotely.

~~[Under existing law, a person does not have a privilege to refuse to disclose information in court proceedings, except as required by the United States Constitution or the Nevada Constitution or as provided by a specific statute. (NRS 47.020, 49.015) With certain exceptions, existing law makes information obtained during the course of an investigation of a person regulated by the Board confidential. (NRS 625.425) Section 5 of this bill additionally makes that information privileged, which gives the Board the authority to refuse to disclose the information in court proceedings. This privilege is the same privilege that the Nevada State Board of Accountancy is authorized to exercise under existing law with respect to information in its investigative files relating to accountants. (NRS 628.418)]~~

Existing law authorizes the Board to take various types of disciplinary actions against a licensee who violates the provisions governing the practice of professional engineering or land surveying, as applicable. (NRS 625.460) In addition, if any person is engaging in or about to engage in any act or practice that violates those provisions, the Board is authorized under existing law to apply to a district court for the issuance of an injunction or restraining order against that person. Sections 6 and 7 of this bill authorize the Board to issue an order to cease and desist against a licensee as disciplinary action or against a firm, corporation, partnership or other person who is engaging in or about to engage in violations of the provisions governing the practice of professional engineering or land surveying.

Under existing law, the Board is authorized to adopt regulations defining the scope of each discipline of professional engineering for which licensure is required. (NRS 625.175; NAC 625.220) With certain exceptions, existing law makes it unlawful for a person who is not properly licensed or who is not exempt from the licensing requirements to use the term "engineer," "engineering" or "engineered," or any combination thereof, as a professional representation or means of advantage without disclosing that the person is not qualified, registered or licensed to practice professional engineering in Nevada. (NRS 625.520) Section 7 of this bill makes the use of those terms unlawful by the unlicensed person only when used in connection with a specific discipline of engineering.

Under existing law, it is the declared policy of the State to protect and perpetuate public land survey corners, which are used for legal descriptions of

land. (NRS 329.020) Additionally, with certain exceptions, existing law requires a surveyor to record a public land survey corner. (NRS 329.140-329.190) Section 8 of this bill expands the policy declaration to other types of corners. Sections 9 and 10 of this bill make conforming changes. Section 9 of this bill also places certain restrictions on the use of a record of such corners.

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

Section 1. NRS 625.183 is hereby amended to read as follows:

625.183 1. A person who:

(a) Is 21 years of age or older; and

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States,

➥ may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional engineer.

2. An applicant for licensure as a professional engineer must:

(a) Be of good character and reputation; and

(b) Pass the examination on the:

(1) Fundamentals of engineering or receive a waiver of that requirement; and

(2) Principles and practices of engineering,

➥ pursuant to NRS 625.193.

3. ~~[Except as otherwise provided in NRS 625.203, an]~~ *An* applicant for licensure as a professional engineer is not qualified for licensure unless the applicant is a graduate of an engineering curriculum of 4 years or more that is approved by the Board and has a record of 4 years or more of active experience in engineering which is satisfactory to the Board and which indicates that the applicant is competent to be placed in responsible charge of engineering work. An applicant who is eligible to take the examination on the principles and practices of engineering pursuant to subsection 2 of NRS 625.193 may take the examination on the principles and practices of engineering before the applicant meets the active experience requirements for licensure set forth in this subsection.

4. To determine whether an applicant for licensure as a professional engineer has an adequate record of active experience pursuant to subsection 3:

(a) Graduation from a college or university in a discipline of engineering with a master's or doctoral degree is equivalent to 2 years of active experience, except that, in the aggregate, not more than 2 years of active experience may be satisfied by graduation from a college or university with such degrees, regardless of the number of degrees earned.

(b) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional engineer who is licensed in the discipline in which the applicant is applying for licensure, unless that requirement is waived by the Board.

(c) The execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in engineering.

5. A person who is not working in the field of engineering when applying for licensure is eligible for licensure as a professional engineer if the person complies with the requirements for licensure prescribed in this chapter.

Sec. 2. NRS 625.270 is hereby amended to read as follows:

625.270 1. A person who:

(a) Is 21 years of age or older; and

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States,

➥ may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional land surveyor.

2. An applicant for licensure as a professional land surveyor must:

(a) Be of good character and reputation; and

(b) Pass the examination on the:

(1) Fundamentals of land surveying or receive a waiver of that requirement; and

(2) Principles and practices of land surveying,

➥ pursuant to NRS 625.280.

3. ~~[Except as otherwise provided in NRS 625.285, an]~~ *An* applicant for licensure as a professional land surveyor may not take the examination on the principles and practices of land surveying, unless the applicant is a graduate of a land-surveying curriculum of 4 years or more that is approved by the Board and has a record of 4 years or more of active experience in land surveying that is satisfactory to the Board and indicates that the applicant is competent to be placed in responsible charge of land-surveying work.

4. To determine whether an applicant for licensure as a professional land surveyor has an adequate record of active experience pursuant to subsection 3:

(a) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional land surveyor, unless that requirement is waived by the Board.

(b) The execution, as a contractor, of work designed by a professional land surveyor, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in land surveying.

5. A person who is not working in the field of land surveying when applying for licensure is eligible for licensure as a professional land surveyor if the person complies with the requirements for licensure prescribed in this chapter.

Sec. 3. NRS 625.386 is hereby amended to read as follows:

625.386 1. To be eligible for certification as a land surveyor intern, an applicant must ~~[:~~

~~(a) Be]~~ *be* a graduate of or in the final year of a land-surveying or engineering curriculum of 4 years or more that has been approved by the Board

and have passed the examination on the fundamentals of land surveying provided for in NRS 625.280 . ~~[; or~~

~~(b) Have had 4 years or more of experience in land surveying work that is satisfactory to the Board and have passed the examination on the fundamentals of land surveying provided for in NRS 625.280.]~~

2. To be eligible for certification as an engineer intern, an applicant must ~~[:~~

~~(a) Be]~~ *be* a graduate of or in the final year of an engineering curriculum of 4 years or more that has been approved by the Board and have passed the examination on the fundamentals of engineering provided for in NRS 625.193 . ~~[; or~~

~~(b) Have had 4 years or more of experience in engineering work that is satisfactory to the Board and have passed the examination on the fundamentals of engineering provided for in NRS 625.193.]~~

Sec. 4. NRS 625.407 is hereby amended to read as follows:

625.407 1. Except as otherwise provided in this section:

(a) A firm, partnership, corporation or other person engaged in or offering to engage in the practice of engineering or land surveying in this state shall employ full-time at least one professional engineer or professional land surveyor, respectively *;* ~~[, at each place of business where the work is or will be performed;]~~ and

(b) All engineering or land-surveying work done ~~[at a place of business]~~ must be performed under a professional engineer or professional land surveyor, respectively, who has been placed in responsible charge of the work and who is employed full-time ~~[at]~~ *by* that ~~[particular place of]~~ business.

2. If the only professional engineer or professional land surveyor employed full-time ~~[at]~~ *by* a ~~[place of]~~ business ~~[where]~~ *that performs* engineering or land-surveying work ~~[is performed]~~ ceases to be employed ~~[at that place of]~~ *by the* business ~~[, during the 30 days next following his or her departure:~~

~~(a) The place of business is not required to]~~ *, the business shall, within 30 days after the employment ceases,* employ *another* full-time ~~[a]~~ professional engineer or professional land surveyor . ~~[; and~~

~~(b) The professional engineer or professional land surveyor placed in responsible charge of engineering or land surveying work performed at the place of business is not required to be employed full-time at that place of business.]~~

3. Except as otherwise provided in subsection 5:

(a) A firm, partnership, corporation or other person who performs or offers to perform engineering services in a certain discipline ~~[at a particular place of business]~~ in this state shall employ full-time ~~[at that place of business]~~ a professional engineer licensed in that discipline.

(b) Each person who holds himself or herself out as practicing a certain discipline of engineering must be licensed in that discipline or employ full-time a professional engineer licensed in that discipline.

4. Professional engineers and professional land surveyors may join or form a partnership, corporation, limited-liability company or other business organization or association with registrants and licensees outside of their field of practice, or with persons who are not registered or licensed.

5. The provisions of this section do not apply to a firm, partnership, corporation or other person who ~~[:~~

~~(a) Practices]~~ *practices* professional engineering for his or her benefit and does not engage in the practice of professional engineering or offer professional engineering services to other persons . ~~[; or~~

~~(b) Is engaged in the practice of professional engineering or land surveying in offices established for limited or temporary purposes, including offices established for the convenience of field survey crews or offices established for inspecting construction.]~~

Sec. 5. ~~[NRS 625.425 is hereby amended to read as follows:~~

~~625.425 1. Except as otherwise provided in NRS 239.0115, any information obtained during the course of an investigation by the Board and any record of an investigation is confidential [.] *and privileged.* If no disciplinary action is taken against a licensee, an applicant for licensure, an intern or an applicant for certification as an intern, or no civil penalty is imposed pursuant to NRS 625.590, the information in his or her investigative file remains confidential [.] *and privileged.*~~

~~2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.~~

~~3. The provisions of this section do not prohibit the Board or its employees from communicating and cooperating with another licensing board or any other agency that is investigating a person.]~~ (Deleted by amendment.)

Sec. 6. NRS 625.460 is hereby amended to read as follows:

625.460 1. If, after a hearing, a majority of the members of the Board present at the hearing vote in favor of finding the accused person guilty, the Board may:

(a) Revoke the license of the professional engineer or professional land surveyor or deny a license to the applicant;

(b) Suspend the license of the professional engineer or professional land surveyor;

(c) *Issue an order to cease and desist against the licensee;*

(d) Fine the licensee or applicant for licensure not more than $15,000 for each violation of a provision of this chapter or any regulation adopted by the Board;

~~[(d)]~~ *(e)* Place the licensee or applicant for licensure on probation for such periods as it deems necessary and, if the Board deems appropriate, require the licensee or applicant for licensure to pay restitution to clients or other persons who have suffered economic losses as a result of a violation of the provisions of this chapter or the regulations adopted by the Board; or

~~[(e)]~~ *(f)* Take such other disciplinary action as the Board deems appropriate.

2. The Board shall not issue a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 7. NRS 625.520 is hereby amended to read as follows:

625.520 1. Except as otherwise provided in subsection 4, it is unlawful for:

(a) Any person not properly licensed or exempted in accordance with the provisions of this chapter to:

(1) Practice, continue to practice, solicit to practice, offer to practice or attempt to practice engineering or any discipline thereof;

(2) Employ, use or cause to be used the term "licensed engineer," "professional engineer" or "registered engineer" or any combination, variation or abbreviation thereof as a professional or commercial identification, representation, claim, asset or means of advantage or benefit;

(3) Employ, use or cause to be used the term "engineer," "engineering" or "engineered" or any combination, variation or abbreviation thereof *in connection with a discipline of professional engineering for which licensure is required pursuant to this chapter* as a professional or commercial identification, representation, claim, asset or means of advantage or benefit without disclosing that the person is not qualified, registered or licensed to practice *that discipline of* professional engineering in this state; or

(4) Directly or indirectly employ any means which in any manner tends or is likely to mislead the public or any member thereof that any person is qualified or authorized to practice engineering.

(b) Any professional engineer to practice or offer to practice a discipline of professional engineering in which the Board has not qualified him or her.

(c) Any person to present or attempt to use, as his or her own, the license or stamp of another person.

(d) Any person to give any false or forged evidence of any kind to the Board or any member thereof in obtaining a license.

(e) Any person to impersonate a licensee of a like or different name.

(f) Any person to attempt to use an expired, suspended or revoked license.

(g) Any person to violate any of the provisions of this chapter.

2. If any person is engaging or is about to engage in any act or practice that constitutes a violation of this chapter ~~[, the]~~ *:*

(a) The Board may issue an order to cease and desist against the firm, partnership, corporation or other person; or

(b) The district court in any county which would have jurisdiction over the violation, may, upon application of the Board, issue an injunction or restraining order against the act or practice pursuant to Rule 65 of the Nevada Rules of Civil Procedure.

3. This section does not prevent a contractor licensed in accordance with the provisions of chapter 624 of NRS from using the term "engineer" or "engineering" if the term is used by the State Contractors' Board in describing a specific classification.

4. The provisions of subparagraph (3) of paragraph (a) of subsection 1 do not apply to any corporation using such a term in its corporate name, if the corporation:

(a) Files its articles of incorporation with the Secretary of State; and

(b) Files with the Board a written statement signed by a corporate officer under penalty of perjury in which the officer states that the corporation:

(1) Is not practicing or offering to practice engineering in this state; and

(2) Will not do so unless it is licensed or exempted in accordance with the provisions of this chapter.

5. Any person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor.

Sec. 8. NRS 329.020 is hereby amended to read as follows:

329.020 It is the purpose of this chapter to protect and perpetuate public land survey corners and *other corners, along with* information concerning the location of such corners by requiring the systematic establishment of monuments and recording of information concerning the location of such corners, thereby providing for property security and a coherent system of property location and identification, and eliminating the repeated necessity for re-establishment and relocations of such corners once they are established and located.

Sec. 9. NRS 329.140 is hereby amended to read as follows:

329.140 *1.* Except as otherwise provided in *subsection 2 and* NRS 329.145, a surveyor shall complete, sign and record or cause to be recorded with the county recorder of the county in which the corner is situated a written record of the establishment or restoration of a ~~[public land survey]~~ corner. Except as otherwise provided in *subsection 2 and* NRS 329.145, such a recording must be made for every ~~[public land survey]~~ corner and accessory to the corner which is established, re-established, monumented, remonumented, restored, rehabilitated, perpetuated or used as control in any survey. The survey information must be recorded within 90 days after the survey is completed.

2. A corner record may not be used:

(a) For the perpetuation of more than six corners.

(b) In lieu of a record of survey recorded pursuant to NRS 625.340 to 625.380, inclusive.

Sec. 10. NRS 329.180 is hereby amended to read as follows:

329.180 Where a corner record of a ~~[public land survey]~~ corner is required to be recorded pursuant to the provisions of this chapter, the surveyor must reconstruct or rehabilitate the monument of such corner and the accessories to such corner so that such corner and accessories may be readily located at any time in the future.

Sec. 11. NRS 625.203 and 625.285 are hereby repealed.

Sec. 12. This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTIONS

625.203 Board may waive certain requirements for licensure as professional engineer for qualified applicants. The Board may waive any requirement for education that is required for licensure as a professional engineer pursuant to subsection 3 of NRS 625.183 and may issue a license to practice professional engineering to a person who:

1. Before July 1, 2010, received approval from the Board to take the examination on the principles and practices of engineering pursuant to paragraph (b) of subsection 1 of NRS 625.193; and

2. Before August 1, 2014:

(a) Passes the examination for licensure pursuant to NRS 625.193; and

(b) Has a record of 10 years or more of active experience in engineering which is satisfactory to the Board and which indicates the person is competent to be placed in responsible charge of engineering work.

625.285 Board may waive certain requirements for licensure as professional land surveyor for qualified applicants. The Board may waive any requirement for education that is required for licensure as a professional land surveyor pursuant to subsection 3 of NRS 625.270 and may issue a license to practice professional land surveying to a person who:

1. Before July 1, 2010, received approval from the Board to take the examination on the principles and practices of land surveying pursuant to paragraph (b) of subsection 1 of NRS 625.280; and

2. Before August 1, 2014, passes the examination for licensure pursuant to NRS 625.280.

Senator Spearman moved that the Senate concur in Assembly Amendment No. 712 to Senate Bill No. 407.

Remarks by Senator Spearman.

Amendment No. 712 to Senate Bill No. 407 makes a few changes to the licensure requirements and procedures for engineers.

Motion carried by a constitutional majority.

Bill ordered enrolled.

GENERAL FILE AND THIRD READING

Assembly Bill No. 421.

Bill read third time.

The following amendment was proposed by Senator Cannizzaro:

Amendment No. 963.

SUMMARY—Revises provisions relating to construction. (BDR 3-841)

AN ACT relating to construction; revising provisions relating to the information required to be included in a notice of a constructional defect; removing provisions requiring the presence of an expert during an inspection of an alleged constructional defect; establishing provisions relating to a claimant pursuing a claim under a builder's warranty; removing certain provisions governing the tolling of statutes of limitation and repose regarding actions for constructional defects; revising provisions relating to the recovery

of damages proximately caused by a constructional defect; increasing the period during which an action for the recovery of certain damages may be commenced; revising the prohibition against a unit-owners' association pursuing an action for a constructional defect unless the action pertains exclusively to the common elements of the association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that before a claimant commences an action or amends a complaint to add a cause of action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant: (1) is required to give written notice to the contractor; and (2) if the contractor is no longer licensed or acting as a contractor in this State, is authorized to give notice to any subcontractor, supplier or design professional known to the claimant who may be responsible for the constructional defect. Existing law also requires that such a notice identify in specific detail each defect, damage and injury to each residence or appurtenance that is the subject of the claim. (NRS 40.645) Section 2 of this bill instead requires that such a notice specify in reasonable detail the defects or any damages or injuries to each residence or appurtenance that is the subject of the claim.

Existing law requires that after notice of a constructional defect is given by a claimant to a contractor, subcontractor, supplier or design professional, the claimant and, if the notice includes an expert opinion concerning the alleged constructional defect, the expert or his or her representative with knowledge of the alleged defect must: (1) be present when a contractor, subcontractor, supplier or design professional conducts an inspection of the alleged constructional defect; and (2) identify the exact location of each alleged constructional defect. (NRS 40.647) Section 3 of this bill removes the requirement that an expert who provided an opinion concerning the alleged constructional defect or his or her representative be present at an inspection and revises certain other requirements.

Existing law provides that if a residence or appurtenance that is the subject of a claim is covered by a homeowner's warranty purchased by or on behalf of the claimant: (1) the claimant is prohibited from sending notice of a constructional defect or pursuing a claim for a constructional defect unless the claimant has submitted a claim under the homeowner's warranty and the insurer has denied the claim; and (2) notice of a constructional defect may only include claims that were denied by the insurer. (NRS 40.650) Section 4 of this bill removes such provisions, and section 1.5 of this bill replaces the term "homeowner's warranty" with "builder's warranty" and clarifies that such a warranty is not a type of insurance. Section 4 provides that if a residence or appurtenance that is the subject of a claim is covered by a builder's warranty, the claimant is required to diligently pursue a claim under the builder's warranty. Section 5.5 of this bill makes conforming changes.

Existing law also provides that if a residence or appurtenance that is the subject of a claim is covered by a homeowner's warranty purchased by or on

behalf of the claimant, statutes of limitation or repose are tolled from the time the claimant submits a claim under the homeowner's warranty until 30 days after the insurer rejects the claim, in whole or in part. (NRS 40.650) Section 4 removes this provision.

Existing law establishes the damages proximately caused by a constructional defect that a claimant is authorized to recover, including additional costs reasonably incurred by the claimant for constructional defects proven by the claimant. (NRS 40.655) Section 5 of this bill removes the requirement that such costs be limited to constructional defects proven by the claimant.

Existing law prohibits an action for the recovery of certain damages against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property, from being commenced more than 6 years after the substantial completion of such an improvement. (NRS 11.202) Section 7 of this bill increases such a period to 10 years after the substantial completion of such an improvement. Section 7 also: (1) authorizes such an action to be commenced at any time after the substantial completion of such an improvement if any act of fraud caused a deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement; and (2) exempts lower-tiered subcontractors from such an action in certain circumstances.

Existing law prohibits a unit-owners' association from instituting, defending or intervening in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or units' owners relating to an action for a constructional defect unless the action pertains exclusively to common elements. (NRS 116.3102) Section 8 of this bill requires that such an action for a constructional defect pertain to : (1) common elements ~~[or]~~ ; (2) any portion of the common-interest community that the association owns ; or (3) any portion of the common-interest community that the association does not own but has an obligation to maintain, repair , insure or replace ~~[.]~~ because the governing documents of the association expressly make such an obligation the responsibility of the association.

Existing law authorizes a unit-owners' association to enter the grounds of a unit to conduct certain maintenance or remove or abate a public nuisance, or to enter the grounds or interior of a unit to abate a water or sewage leak or take certain other actions in certain circumstances. (NRS 116.310312) Section 8.5 of this bill provides that such provisions do not give rise to any rights or standing for a claim for a constructional defect.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. NRS 40.625 is hereby amended to read as follows:

40.625 ~~["Homeowner's]~~ *"Builder's* warranty" means a warranty ~~[or policy of insurance:~~

~~1. Issued~~] *issued* or purchased by or on behalf of a contractor for the protection of a claimant . [~~; or~~

~~2. Purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive.~~

~~➥~~] The term [~~includes~~] *:*

1. Includes a warranty contract issued by *or on behalf of a contractor whose liability pursuant to the warranty contract is subsequently insured by* a risk retention group that operates in compliance with chapter 695E of NRS and insures all or any part of the liability of a contractor for the cost to repair a constructional defect in a residence.

2. Does not include a policy of insurance for home protection as defined in NRS 690B.100 or a service contract as defined in NRS 690C.080.

Sec. 2. NRS 40.645 is hereby amended to read as follows:

40.645 1. Except as otherwise provided in this section and NRS 40.670, before a claimant commences an action or amends a complaint to add a cause of action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant:

(a) Must give written notice by certified mail, return receipt requested, to the contractor, at the contractor's address listed in the records of the State Contractors' Board or in the records of the office of the county or city clerk or at the contractor's last known address if the contractor's address is not listed in those records; and

(b) May give written notice by certified mail, return receipt requested, to any subcontractor, supplier or design professional known to the claimant who may be responsible for the constructional defect, if the claimant knows that the contractor is no longer licensed in this State or that the contractor no longer acts as a contractor in this State.

2. The notice given pursuant to subsection 1 must:

(a) Include a statement that the notice is being given to satisfy the requirements of this section;

(b) [~~Identify~~] *Specify* in [~~specific~~] *reasonable* detail [~~each defect, damage and injury~~] *the defects or any damages or injuries* to each residence or appurtenance that is the subject of the claim *;* [~~, including, without limitation, the exact location of each such defect, damage and injury;~~]

(c) Describe in reasonable detail the cause of the defects if the cause is known and the nature and extent that is known of the damage or injury resulting from the defects; and

(d) Include a signed statement, by each named owner of a residence or appurtenance in the notice, that each such owner verifies that each such defect, damage and injury specified in the notice exists in the residence or appurtenance owned by him or her. If a notice is sent on behalf of a homeowners' association, the statement required by this paragraph must be signed under penalty of perjury by a member of the executive board or an officer of the homeowners' association.

3. A representative of a homeowners' association may send notice pursuant to this section on behalf of an association if the representative is acting within the scope of the representative's duties pursuant to chapter 116 or 117 of NRS.

4. Notice is not required pursuant to this section before commencing an action if:

(a) The contractor, subcontractor, supplier or design professional has filed an action against the claimant; or

(b) The claimant has filed a formal complaint with a law enforcement agency against the contractor, subcontractor, supplier or design professional for threatening to commit or committing an act of violence or a criminal offense against the claimant or the property of the claimant.

Sec. 3. NRS 40.647 is hereby amended to read as follows:

40.647 1. After notice of a constructional defect is given pursuant to NRS 40.645, before a claimant may commence an action or amend a complaint to add a cause of action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant must:

(a) Allow an inspection of the alleged constructional defect to be conducted pursuant to NRS 40.6462;

(b) Be present *or have a representative of the claimant present* at an inspection conducted pursuant to NRS 40.6462 and , *to the extent possible, reasonably* identify the ~~[exact location of each alleged constructional defect]~~ *proximate locations of the defects, damages or injuries* specified in the notice *;* ~~[and, if the notice includes an expert opinion concerning the alleged constructional defect, the expert, or a representative of the expert who has knowledge of the alleged constructional defect, must also be present at the inspection and identify the exact location of each alleged constructional defect for which the expert provided an opinion;]~~ and

(c) Allow the contractor, subcontractor, supplier or design professional a reasonable opportunity to repair the constructional defect or cause the defect to be repaired if an election to repair is made pursuant to NRS 40.6472.

2. If a claimant commences an action without complying with subsection 1 or NRS 40.645, the court shall:

(a) Dismiss the action without prejudice and compel the claimant to comply with those provisions before filing another action; or

(b) If dismissal of the action would prevent the claimant from filing another action because the action would be procedurally barred by the statute of limitations or statute of repose, the court shall stay the proceeding pending compliance with those provisions by the claimant.

Sec. 4. NRS 40.650 is hereby amended to read as follows:

40.650 1. If a claimant unreasonably rejects a reasonable written offer of settlement made as part of a response pursuant to paragraph (b) of subsection 2 of NRS 40.6472 and thereafter commences an action governed by NRS 40.600 to 40.695, inclusive, the court in which the action is commenced may:

(a) Deny the claimant's attorney's fees and costs; and

(b) Award attorney's fees and costs to the contractor.

➥ Any sums paid under a ~~[homeowner's]~~ *builder's* warranty, other than sums paid in satisfaction of claims that are collateral to any coverage issued to or by the contractor, must be deducted from any recovery.

2. If a contractor, subcontractor, supplier or design professional fails to:

(a) Comply with the provisions of NRS 40.6472;

(b) Make an offer of settlement;

(c) Make a good faith response to the claim asserting no liability;

(d) Agree to a mediator or accept the appointment of a mediator pursuant to NRS 40.680; or

(e) Participate in mediation,

➥ the limitations on damages and defenses to liability provided in NRS 40.600 to 40.695, inclusive, do not apply and the claimant may commence an action or amend a complaint to add a cause of action for a constructional defect without satisfying any other requirement of NRS 40.600 to 40.695, inclusive.

3. If a residence or appurtenance that is the subject of the claim is covered by a ~~[homeowner's]~~ *builder's* warranty ~~[that is purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive:~~

~~(a) A claimant may not send a notice pursuant to NRS 40.645 or pursue a claim pursuant to NRS 40.600 to 40.695, inclusive, unless the claimant has first submitted a claim under the homeowner's warranty and the insurer has denied the claim.~~

~~(b) A claimant may include in a notice given pursuant to NRS 40.645 only claims for the constructional defects that were denied by the insurer.~~

~~(c) If coverage under a homeowner's warranty is denied by an insurer in bad faith, the homeowner and the contractor, subcontractor, supplier or design professional have a right of action for the sums that would have been paid if coverage had been provided, plus reasonable attorney's fees and costs.~~

~~(d) Statutes of limitation or repose applicable to a claim based on a constructional defect governed by NRS 40.600 to 40.695, inclusive, are tolled from the time notice of the claim under the homeowner's warranty is submitted to the insurer until 30 days after the insurer rejects the claim, in whole or in part, in writing.]~~ *, a claimant shall diligently pursue a claim under the builder's warranty.*

4. Nothing in this section prohibits an offer of judgment pursuant to Rule 68 of the Nevada Rules of Civil Procedure or NRS 40.652.

Sec. 5. NRS 40.655 is hereby amended to read as follows:

40.655 1. Except as otherwise provided in NRS 40.650, in a claim governed by NRS 40.600 to 40.695, inclusive, the claimant may recover only the following damages to the extent proximately caused by a constructional defect:

(a) The reasonable cost of any repairs already made that were necessary and of any repairs yet to be made that are necessary to cure any constructional

defect that the contractor failed to cure and the reasonable expenses of temporary housing reasonably necessary during the repair;

(b) The reduction in market value of the residence or accessory structure, if any, to the extent the reduction is because of structural failure;

(c) The loss of the use of all or any part of the residence;

(d) The reasonable value of any other property damaged by the constructional defect;

(e) Any additional costs reasonably incurred by the claimant , ~~[for constructional defects proven by the claimant,]~~ including, but not limited to, any costs and fees incurred for the retention of experts to:

(1) Ascertain the nature and extent of the constructional defects;

(2) Evaluate appropriate corrective measures to estimate the value of loss of use; and

(3) Estimate the value of loss of use, the cost of temporary housing and the reduction of market value of the residence; and

(f) Any interest provided by statute.

2. If a contractor complies with the provisions of NRS 40.600 to 40.695, inclusive, the claimant may not recover from the contractor, as a result of the constructional defect, any damages other than damages authorized pursuant to NRS 40.600 to 40.695, inclusive.

3. This section must not be construed as impairing any contractual rights between a contractor and a subcontractor, supplier or design professional.

4. As used in this section, "structural failure" means physical damage to the load-bearing portion of a residence or appurtenance caused by a failure of the load-bearing portion of the residence or appurtenance.

Sec. 5.5. NRS 40.687 is hereby amended to read as follows:

40.687 Notwithstanding any other provision of law:

1. A ~~[claimant shall, within 10 days after commencing an action against a contractor, disclose to the contractor all information about any homeowner's warranty that is applicable to the claim.~~

~~2. The]~~ contractor shall, no later than 10 days after a response is made pursuant to this chapter, disclose to the claimant any information about insurance agreements that may be obtained by discovery pursuant to rule 26(b)(2) of the Nevada Rules of Civil Procedure. Such disclosure does not affect the admissibility at trial of the information disclosed.

~~[3.]~~ *2.* Except as otherwise provided in subsection ~~[4,]~~ *3*, if ~~[either party]~~ *the contractor* fails to provide the information required pursuant to subsection 1 ~~[or 2]~~ within the time allowed, the ~~[other party]~~ *claimant* may petition the court to compel production of the information. Upon receiving such a petition, the court may order the ~~[party]~~ *contractor* to produce the required information and may award the ~~[petitioning party]~~ *claimant* reasonable attorney's fees and costs incurred in petitioning the court pursuant to this subsection.

~~[4.]~~ *3.* The parties may agree to an extension of time *for the contractor* to produce the information required pursuant to this section.

~~[5.]~~ *4.* For the purposes of this section, "information about insurance agreements" is limited to any declaration sheets, endorsements and contracts of insurance issued to the contractor from the commencement of construction of the residence of the claimant to the date on which the request for the information is made and does not include information concerning any disputes between the contractor and an insurer or information concerning any reservation of rights by an insurer.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 11.202 is hereby amended to read as follows:

11.202 1. No action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than ~~[6]~~ *10* years after the substantial completion of such an improvement, for the recovery of damages for:

(a) ~~[Any]~~ *Except as otherwise provided in subsection 2, any* deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. *Except as otherwise provided in this subsection, an action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property at any time after the substantial completion of such an improvement, for the recovery of damages for any act of fraud in causing a deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement. The provisions of this subsection do not apply to any lower-tiered subcontractor who performs work that covers up a defect or deficiency in another contractor's trade if the lower-tiered subcontractor does not know, and should not reasonably know, of the existence of the alleged defect or deficiency at the time of performing such work. As used in this subsection, "lower-tiered subcontractor" has the meaning ascribed to it in NRS 624.608.*

3. The provisions of this section do not apply:

(a) To a claim for indemnity or contribution.

(b) In an action brought against:

(1) The owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodging house in this State on account of his or her liability as an innkeeper.

(2) Any person on account of a defect in a product.

Sec. 8. NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in this chapter, and subject to the provisions of the declaration, the association:

(a) Shall adopt and, except as otherwise provided in the bylaws, may amend bylaws and may adopt and amend rules and regulations.

(b) Shall adopt and may amend budgets in accordance with the requirements set forth in NRS 116.31151, may collect assessments for common expenses from the units' owners and may invest funds of the association in accordance with the requirements set forth in NRS 116.311395.

(c) May hire and discharge managing agents and other employees, agents and independent contractors.

(d) May institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community. The association may not institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or units' owners with respect to an action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive, unless the action pertains ~~[exclusively]~~ to ~~[common]~~ *:*

(1) Common elements ~~[. or any]~~ *;*

(2) Any portion of the common-interest community that the association owns ; or

(3) Any portion of the common-interest community that the association does not own but has an obligation to maintain, repair , insure or replace ~~[.]~~ because the governing documents of the association expressly make such an obligation the responsibility of the association.

(e) May make contracts and incur liabilities. Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.

(f) May regulate the use, maintenance, repair, replacement and modification of common elements.

(g) May cause additional improvements to be made as a part of the common elements.

(h) May acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) May grant easements, leases, licenses and concessions through or over the common elements.

(j) May impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners, including, without limitation, any services provided pursuant to NRS 116.310312.

(k) May impose charges for late payment of assessments pursuant to NRS 116.3115.

(l) May impose construction penalties when authorized pursuant to NRS 116.310305.

(m) May impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) May impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) May provide for the indemnification of its officers and executive board and maintain directors and officers liability insurance.

(p) May assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) May exercise any other powers conferred by the declaration or bylaws.

(r) May exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) May direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) May exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not limit the power of the association to deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons.

3. The executive board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commence an action for a violation of the declaration, bylaws or rules, including whether to compromise any claim for unpaid assessments or other claim made by or against it. The executive board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:

(a) The association's legal position does not justify taking any or further enforcement action;

(b) The covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with current law;

(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or

(d) It is not in the association's best interests to pursue an enforcement action.

4. The executive board's decision under subsection 3 not to pursue enforcement under one set of circumstances does not prevent the executive board from taking enforcement action under another set of circumstances, but the executive board may not be arbitrary or capricious in taking enforcement action.

5. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. For the purposes of this subsection, "assessment" does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 8.5. NRS 116.310312 is hereby amended to read as follows:

116.310312 1. A person who holds a security interest in a unit must provide the association with the person's contact information as soon as reasonably practicable, but not later than 30 days after the person:

(a) Files an action for recovery of a debt or enforcement of any right secured by the unit pursuant to NRS 40.430; or

(b) Records or has recorded on his or her behalf a notice of a breach of obligation secured by the unit and the election to sell or have the unit sold pursuant to NRS 107.080.

2. If an action or notice described in subsection 1 has been filed or recorded regarding a unit and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may, but is not required to, enter the grounds of the unit, whether or not the unit is vacant, to take any of the following actions if the unit's owner refuses or fails to take any action or comply with any requirement imposed on the unit's owner within the time specified by the association as a result of the hearing:

(a) Maintain the exterior of the unit in accordance with the standards set forth in the governing documents, including, without limitation, any provisions governing maintenance, standing water or snow removal.

(b) Remove or abate a public nuisance on the exterior of the unit which:

(1) Is visible from any common area of the community or public streets;

(2) Threatens the health or safety of the residents of the common-interest community;

(3) Results in blighting or deterioration of the unit or surrounding area; and

(4) Adversely affects the use and enjoyment of nearby units.

3. If:

(a) A unit is vacant;

(b) The association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031; and

(c) The association or its employee, agent or community manager mails a notice of the intent of the association, including its employees, agents and community manager, to maintain the exterior of the unit or abate a public nuisance, as described in subsection 2, by certified mail to each holder of a recorded security interest encumbering the interest of the unit's owner, at the address of the holder that is provided pursuant to NRS 657.110 on the Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry,

➥ the association, including its employees, agents and community manager, may enter the grounds of the unit to maintain the exterior of the unit or abate a public nuisance, as described in subsection 2, if the unit's owner refuses or fails to do so.

4. If a unit is in a building that contains units divided by horizontal boundaries described in the declaration, or vertical boundaries that comprise common walls between units, and the unit is vacant, the association, including its employees, agents and community manager, may enter the grounds and interior of the unit to:

(a) Abate a water or sewage leak in the unit and remove any water or sewage from the unit that is causing damage or, if not immediately abated, may cause damage to the common elements or another unit if the unit's owner refuses or fails to abate the water or sewage leak.

(b) After providing the unit's owner with notice but before a hearing in accordance with the provisions of NRS 116.31031:

(1) Remove any furniture, fixtures, appliances and components of the unit, including, without limitation, flooring, baseboards and drywall, that were damaged as a result of water or mold damage resulting from a water or sewage leak to the extent such removal is reasonably necessary because water or mold damage threatens the health or safety of the residents of the common-interest community, results in blighting or deterioration of the unit or the surrounding area and adversely affects the use and enjoyment of nearby units, if the unit's owner refuses or fails to remediate or remove the water or mold damage.

(2) Remediate or remove any water or mold damage in the unit resulting from the water or sewage leak to the extent such remediation or removal is reasonably necessary because the water or mold damage threatens the health or safety of the residents of the common-interest community, results in blighting or deterioration of the unit or the surrounding area and adversely affects the use and enjoyment of nearby units, if the unit's owner refuses or fails to remediate or remove the water or mold damage.

5. After the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association may order that the costs of any maintenance or abatement or the reasonable costs of remediation or removal conducted pursuant to subsection 2, 3 or 4, including, without limitation, reasonable inspection fees, notification and collection costs and interest, be charged against the unit. The association shall keep a record of such costs and interest charged against the unit and has a lien on the unit for any unpaid amount of the charges. The lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

6. A lien described in subsection 5 bears interest from the date that the charges become due at a rate determined pursuant to NRS 17.130 until the charges, including all interest due, are paid.

7. Except as otherwise provided in this subsection, a lien described in subsection 5 is prior and superior to all liens, claims, encumbrances and titles other than the liens described in paragraphs (a) and (c) of subsection 2 of NRS 116.3116. If the federal regulations of the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior and superior to other security interests shall be determined in accordance with those federal regulations. Notwithstanding the federal regulations, the period of priority of the lien must not be less than the 6 months immediately preceding the institution of an action to enforce the lien.

8. A person who purchases or acquires a unit at a foreclosure sale pursuant to NRS 40.430 or a trustee's sale pursuant to NRS 107.080 is bound by the governing documents of the association and shall maintain the exterior of the unit in accordance with the governing documents of the association. Such a unit may only be removed from a common-interest community in accordance with the governing documents pursuant to this chapter.

9. Notwithstanding any other provision of law, an association, its directors or members of the executive board, employees, agents or community manager who enter the grounds or interior of a unit pursuant to this section are not liable for trespass.

10. *Nothing in this section gives rise to any rights or standing for a claim for a constructional defect made pursuant to NRS 40.600 to 40.695, inclusive.*

11. As used in this section:

(a) "Exterior of the unit" includes, without limitation, all landscaping outside of a unit, the exterior of all property exclusively owned by the unit

owner and the exterior of all property that the unit owner is obligated to maintain pursuant to the declaration.

(b) "Remediation" does not include restoration.

(c) "Vacant" means a unit:

(1) Which reasonably appears to be unoccupied;

(2) On which the owner has failed to maintain the exterior to the standards set forth in the governing documents of the association; and

(3) On which the owner has failed to pay assessments for more than 60 days.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. 1. The provisions of NRS 40.645 and 40.650, as amended by sections 2 and 4 of this act, respectively, apply to a notice of constructional defect given on or after October 1, 2019.

2. The provisions of NRS 40.647, as amended by section 3 of this act, apply to an inspection conducted pursuant to NRS 40.6462 on or after October 1, 2019.

3. The provisions of NRS 40.655, as amended by section 5 of this act, apply to any claim for which a notice of constructional defect is given on or after October 1, 2019.

4. The period of limitations on actions set forth in NRS 11.202, as amended by section 7 of this act, apply retroactively to actions in which the substantial completion of the improvement to the real property occurred before October 1, 2019.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 963 to Senate Bill No. 421 clarifies the provisions of the bill that relate to certain homeowner associations and clarifies who would have standing in determination of a suit involving any claims of construction defect.

Amendment adopted.

Bill read third time.

Remarks by Senators Dondero Loop, Hansen and Pickard.

SENATOR DONDERO LOOP:

Assembly Bill No. 421 revises provisions relating to constructional defects. This bill changes from "specific detail" to "reasonable detail" the nature of the defects or any changes or injuries incurred that must be specified in a claim for damages. The requirement that an expert who provided an opinion concerning the alleged constructional defect be present at an inspection is removed and instead the claimant or his or her representative is required to be present. A units owners' association is authorized to bring an action for a constructional defect if the action pertains to common elements. Lastly, the measure makes various other revisions including changes relating to warranties and time frames concerning when an action for the recovery of certain damages may be commenced.

SENATOR HANSEN:

As the sponsor and author of Assembly Bill 125 of the 78th Session which fixed many of these issues, I want to take a moment to thank both our Majority Leader and the Chair of Assembly Judiciary for the work they have done. The original bill repealed virtually everything we did in 2015. What we have now is much better. I am at almost at the point where I can support it, but I

am still going to vote "no" on it. I do not think anything is broken from the previous bill; this bill could have been a disaster for contractors like myself and the entire construction industry. I am still a "no" on Assembly Bill No. 421, but this bill is a dramatic improvement from where it once was.

SENATOR PICKARD:

I want to follow those remarks with a thank you to the Majority Leader and to the builders and stakeholders who worked hard to get to an agreement. I will be a "yes" on Assembly Bill No. 421.

Roll call on Assembly Bill No. 421:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Assembly Bill No. 421 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 477.

Bill read third time.

The following amendment was proposed by Senator Spearman:

Amendment No. 960.

SUMMARY—Enacts provisions governing certain consumer form contracts and consumer debts. (BDR 8-935)

AN ACT relating to consumer contracts; enacting the Consumer Protection from the Accrual of Predatory Interest After Default Act; prohibiting the use of certain form contracts; limiting prejudgment and postjudgment interest and attorney's fees under certain circumstances; prohibiting choice of law, forum selection and other provisions in certain form contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains various provisions governing retail installment sales. (Chapter 97 of NRS) Sections 2-19 of this bill enact the Consumer Protection from the Accrual of Predatory Interest After Default Act, which contains provisions governing the use of form contracts in certain consumer transactions. Sections 5-8 of this bill define "business," "consumer," "consumer debt" and "consumer form contract." Section 9 of this bill prohibits the use of a consumer form contract by a business that is not in compliance with the provisions of this bill. Section 10 of this bill exempts certain business organizations and other persons from the provisions of this bill. Section 11 of this bill prohibits the inclusion of a choice of law or forum selection provision in a consumer form contract. Section 12 of this bill requires any consumer form contract involving financial services be signed by the consumer in writing or electronically signed in full compliance with section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001(c). Section 13 of this bill prohibits the inclusion of certain provisions in a consumer form contract that would limit a consumer's rights. Section 14 of this bill declares that any provision in a consumer form contract that violates

the provisions of this bill is void and unenforceable. Section 15 of this bill provides that if a consumer enters a consumer form contract with a person who is required to be licensed but is not, the contract is void for all purposes. Section 17 of this bill provides certain limits on the amount of prejudgment interest and the rate of postjudgment interest under certain circumstances. Sections 18 and 19 of this bill provide certain methods for calculating attorney's fees for the prevailing party in any action to collect a consumer debt.

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

Section 1. Title 8 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. *This chapter may be cited as the Consumer Protection from the Accrual of Predatory Interest After Default Act.*

Sec. 3. *1. The purpose of this chapter is to protect consumers.*

2. This chapter must be construed as a consumer protections statute for all purposes.

3. This chapter must be liberally construed to effectuate its purpose.

Sec. 4. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 5. *"Business" means a proprietorship, corporation, partnership, association, trust, unincorporated organization or other enterprise doing business in this State.*

Sec. 6. *"Consumer" means a natural person.*

Sec. 7. *"Consumer debt" means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily personal, family or household purposes, whether or not such obligation has been reduced to judgment.*

Sec. 8. *1. "Consumer form contract" means a retail charge agreement or a retail installment contract involving a retail installment transaction in writing between a retail seller and a consumer buyer, or a lease in writing between a lessor and a consumer lessee, involving the sale or lease of goods or services, including, without limitation, credit or financial services, primarily for personal, family or household purposes and which has either been drafted by the business or by a third party for use with more than one consumer, unless a second consumer is the spouse of the first consumer.*

2. As used in this section:

(a) "Buyer" has the meaning ascribed to it in NRS 97.085.

(b) "Goods" has the meaning ascribed to it in NRS 97.035.

(c) "Retail charge agreement" has the meaning ascribed to it in NRS 97.095.

(d) "Retail installment contract" has the meaning ascribed to it in NRS 97.105.

(e) "Retail installment transaction" has the meaning ascribed to it in NRS 97.115.

(f) "Retail seller" has the meaning ascribed to it in NRS 97.125.

(g) "Services" has the meaning ascribed to it in NRS 97.135.

Sec. 9. *1. A business, including, without limitation, any officer, agent, employee or representative, shall not individually or in cooperation with another, solicit the execution of, receive or rely upon a consumer form contract, including, without limitation, reliance upon the consumer form contract as a basis of a suit or claim, unless the business has complied with the provisions of this chapter.*

2. The provisions of this chapter apply to any person who seeks to evade its application by any device, subterfuge or pretense.

Sec. 10. *The provisions of this chapter do not apply to:*

1. A person doing business pursuant to the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage brokers, mortgage bankers, thrift companies or insurance companies, including, without limitation, any affiliate or subsidiary of such a person regardless of whether the affiliate or subsidiary is a bank.

2. Any business:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the United States Department of Housing and Urban Development and the Department of Veterans Affairs.

3. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

4. A seller of real property who offers credit secured by a mortgage of the property sold.

5. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside this State.

6. A person while performing any act authorized pursuant to chapter 604A of NRS.

7. A motor vehicle manufacturer or distributor, or an affiliate or captive financial ~~[institution]~~ entity of a motor vehicle manufacturer or distributor.

Sec. 11. *If a consumer form contract is signed by the consumer or otherwise formed while the consumer resides in this State with a person operating within this State:*

1. A choice of law provision in a consumer form contract which provides that the consumer form contract is to be governed or interpreted pursuant to the laws of another state is void. Enforcement and interpretation of such a contract must be governed by the laws of this State if enforcement of the consumer form contract is sought in a court of this State.

2. A forum selection provision in a consumer form contract which provides that any claims or actions related to the consumer form contract must be litigated in a forum outside this State is void.

Sec. 12. *1. Any consumer form contract involving a loan, extension of credit, deposit account or other financial services must be signed by the consumer in writing or electronically in full compliance with Section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001(c).*

2. Any change of terms to a consumer form contract must be agreed to by the consumer by affirmative consent, signed in writing or electronically in full compliance with Section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001(c).

Sec. 13. *A consumer form contract must not contain:*

1. A provision that the consumer will hold the other party harmless, or that otherwise relieves the other party of liability, for any harm or damage caused to the consumer arising from the consumer form contract.

2. A confession of judgment clause.

3. A waiver of the right to a jury trial, unless the consumer agrees to an alternative dispute resolution such as binding arbitration, in any action brought by or against the consumer.

4. Any assignment of or order for payment of wages or other compensation for services.

5. A provision in which the consumer agrees not to assert any claim or defense arising out of the consumer form contract or to seek any remedies pursuant to any consumer protection law.

6. A waiver of any provision of this chapter or any other consumer protection statute. Any such waiver shall be deemed null, void and of no effect.

7. A provision requiring or having the practical effect of requiring that any aspect of a resolution of a dispute between the parties to the agreement be kept confidential. This subsection does not affect the right of the parties to agree that certain specified information is a trade secret or otherwise confidential or to later agree, after the dispute arises, to keep a resolution confidential.

Sec. 14. *A provision in a consumer form contract that violates this chapter shall be void and unenforceable. A court may refuse to enforce other provisions of the consumer form contract as equity may require.*

Sec. 15. *Any consumer form contract entered into by a consumer with a person who is required to be licensed pursuant to any provision of NRS or NAC in order to enter into the consumer transaction, but is not so licensed, is void. Neither the obligee nor any assignee of the obligation may collect, receive or retain any principal, finance charge or other fees in connection with the transaction.*

Sec. 16. (Deleted by amendment.)

Sec. 17. *If the plaintiff is the prevailing party in any action to collect a consumer debt:*

1. And a rate of interest is stated in the consumer form contract, interest may be awarded by the court only as set forth in this section.

2. Interest under the consumer form contract, prejudgment interest and postjudgment interest awarded by the court must not be compounded.

3. Any prejudgment interest the court awards the plaintiff must be limited to the lesser of:

(a) The accrued interest at the rate stated in the consumer form contract to the day the action to collect the debt is filed; or

(b) One hundred eighty days of interest at the rate stated in the consumer form contract.

4. Any postjudgment interest the court awards the plaintiff must be limited to the lesser of:

(a) The rate of interest in the consumer form contract; or

(b) A rate equal to the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date of judgment, plus 2 percent. The rate must remain fixed at that rate until the judgment is satisfied.

Sec. 18. *1. If the plaintiff is the prevailing party in any action to collect a consumer debt, the plaintiff is entitled to collect attorney's fees only if the consumer form contract or other document evidencing the indebtedness sets forth an obligation of the consumer to pay such attorney's fee and subject to the following conditions:*

(a) If a consumer form contract or other document evidencing indebtedness provides for attorney's fees in some specific percentage, such provision and obligation is valid and enforceable for an amount not to exceed 15 percent of the amount of the debt, excluding attorney's fees and collection costs.

(b) If a consumer form contract or other document evidencing indebtedness provides for the payment of reasonable attorney's fees by the debtor, without specifying any specific percentage, such provision must be construed to mean the lesser of 15 percent of the amount of the debt, excluding attorney's fees and collection costs, or the amount of attorney's fees calculated by a reasonable rate for such cases multiplied by the amount of time reasonably expended to obtain the judgment.

2. The documentation setting forth a party's obligation to pay attorney's fees must be provided to the court before a court may enforce those provisions.

Sec. 19. *If the debtor is the prevailing party in any action to collect a consumer debt, the debtor is entitled to an award of reasonable attorney's fees. The amount of the debt that the creditor sought may not be a factor in determining the reasonableness of the award.*

Sec. 20. The provisions of this act apply to contracts entered into on or after October 1, 2019.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 960 to Senate Bill No. 477 amends section 10 to clarify a motor vehicle manufacturer or distributor or an affiliate of a captive financial entity or motor vehicle manufacturer distributor is exempt from the provisions of this bill.

Amendment adopted.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 477 enacts the consumer protection from the Accrual of Predatory Interest After Default Act which contains provisions governing the use of form contracts in certain retail consumer transactions, including retail-charge contracts, retail-installment transactions and lease agreements. Among other provisions, the bill sets forth various limitations on the calculation of prejudgment interest and the rate of postjudgment interest owed by the consumer and the collection of attorney's fees in any action for collection of a consumer debt by a business. The bill provides if a consumer form contract violates any of this bill's provisions, the contract shall be void and unenforceable. Furthermore, a business is prohibited from using consumer form contracts if it is not in compliance with this bill's provisions.

Finally, the bill exempts certain business organizations from the provisions of this bill, including a motor vehicle manufacturer or distributor or an affiliate or captive financial entity of a motor vehicle manufacturer or distributor.

Roll call on Assembly Bill No. 477:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Assembly Bill No. 477 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 8:28 p.m.

SENATE IN SESSION

At 9:20 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Concurrent Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

JAMES OHRENSCHALL, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bill No. 139 be taken from the Secretary's desk and place on the General File.

Motion carried.

Assembly Bill No. 139.

Bill read third time.

The following amendment was proposed by Senator Cannizzaro:

Amendment No. 961.

SUMMARY— ~~[Requires a person to be at least 18 years of age to]~~ Revises provisions relating to when minors may marry. (BDR 11-1)

AN ACT relating to domestic relations; ~~[requiring a person to be at least 18 years of age to]~~ revising provisions relating to when minors may marry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a minor to marry in certain circumstances. If the minor is at least 16 years of age, the consent of either parent or legal guardian is required. (NRS 122.020, 122.025) If the minor is younger than 16 years of age, in addition to such consent, a district court must authorize the marriage after making certain findings. (NRS 122.025) Section 1 of this bill ~~[removes that authority and instead requires both persons to be at least 18 years of age to marry. Section 7 of this bill also repeals the provision authorizing marriages by minors.]~~ : (1) removes the ability of a minor who is under 17 years of age to marry; and (2) allows a minor who is 17 years of age to marry if the minor has the consent of either parent or the minor's legal guardian and the minor obtains authorization from a district court after the court holds an evidentiary hearing and makes certain findings. Section 1.5 of this bill sets forth the requirements for the court to authorize the marriage of a minor who is 17 years of age.

Sections ~~[2-5]~~ 2-3.5 of this bill make conforming changes . ~~[to existing law, and section 7 repeals additional provisions that become obsolete by removing authority for minors to marry.]~~ Section 5.3 of this bill requires each county clerk to compile a report concerning marriage licenses issued for minors who are 17 years of age and submit the report to the Director of the Legislative Counsel Bureau for distribution to the 81st Session of the Legislature. Section 6 of this bill ensures that the validity of any marriage existing when the bill becomes effective is not affected, and that any married minor on that date continues to have the same rights.

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

Section 1. NRS 122.020 is hereby amended to read as follows:

122.020 1. Except as otherwise provided in ~~[this section,]~~ *subsection 2 and NRS 122.025*, two ~~*[Two]*~~ persons, regardless of gender, *who are* at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a spouse living, may be joined in marriage.

2. Two persons, regardless of gender, who are married to each other may be rejoined in marriage if the record of their marriage has been lost or destroyed or is otherwise unobtainable.

~~[3. A person at least 16 years of age but less than 18 years of age may marry only if the person has the consent of:~~

~~(a) Either parent; or~~

~~(b) Such person's legal guardian.]~~

Sec. 1.5. NRS 122.025 is hereby amended to read as follows:

122.025 1. A ~~[person less than 16]~~ *minor who is 17* years of age may marry only if the ~~[person]~~ *minor* has the consent of:

(a) Either parent; or

(b) ~~[Such person's]~~ *The minor's* legal guardian,

➥ and ~~[such person]~~ *the minor* also obtains authorization from a district court as provided in ~~[subsection 2.]~~ *this section.*

2. In extraordinary circumstances, a district court may authorize the marriage of a ~~[person less than 16]~~ *minor who is 17* years of age if the court finds *, by clear and convincing evidence, after an evidentiary hearing in which both parties to the prospective marriage provide sworn testimony,* that:

(a) *Both parties to the prospective marriage are residents of this State;*

(b) The minor has received a high school diploma, a general educational development certificate or an equivalent document;

(c) The marriage will serve the best interests of ~~[such person;]~~ *the minor;* and

~~[(b) Such person]~~

(d) The minor has the consent required by paragraph (a) or (b) of subsection 1.

➥ Pregnancy alone does not establish that the best interests of ~~[such person]~~ *the minor* will be served by marriage, nor may pregnancy be required by a court as a condition necessary for its authorization for the marriage of ~~[such person.]~~ *the minor.*

3. In determining the best interests of the minor for the purposes of subsection 2, the court shall consider, without limitation:

(a) The difference in age between the parties to the prospective marriage;

(b) The need for the marriage to occur before the minor reaches 18 years of age; and

(c) The emotional and intellectual maturity of the minor.

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. Except as otherwise provided in NRS 122.0615, before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 700,000 or more may, at the request of the county clerk, designate not more than five branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 700,000 may, at the request of the county clerk, designate one branch office of the county clerk at which

marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and:

(1) Any secondary document that contains the name and a photograph of the applicant; or

(2) Any document for which identification must be verified as a condition to receipt of the document.

➥ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person

who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➥ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.

5. ~~[If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:~~

~~(a) Personally given before the clerk;~~

~~(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that the witness saw the parent or guardian subscribe his or her name to the annexed certificate, or heard him or her acknowledge it; or~~

~~(c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.~~

~~6. If a parent giving consent to the marriage of a minor pursuant to subsection 5 has a last name different from that of the minor seeking to be married, the county clerk shall accept, as proof that the parent is the legal parent of the minor, a certified copy of the birth certificate of the minor which shows the parent's first and middle name and which matches the first and middle name of the parent on any document listed in subsection 2.~~

~~7. If the authorization of a district court is required,~~] *When the authorization of a district court is required because the marriage involves a minor*, the county clerk shall issue the license if that authorization is given to the county clerk in writing.

~~[8.]~~ *6.* At the time of issuance of the license, an applicant or both applicants may elect to change the middle name or last name, or both, by which an applicant wishes to be known after solemnization of the marriage. The first name of each applicant selected for use by the applicant after solemnization of

the marriage must be the same as the first name indicated on the proof of the applicant's name submitted pursuant to subsection 2. An applicant may change his or her name pursuant to this subsection only at the time of issuance of the license. One or both applicants may adopt:

(a) As a middle name, one of the following:

(1) The current last name of the other applicant.

(2) The last name of either applicant given at birth.

(3) A hyphenated combination of the current middle name and the current last name of either applicant.

(4) A hyphenated combination of the current middle name and the last name given at birth of either applicant.

(b) As a last name, one of the following:

(1) The current last name of the other applicant.

(2) The last name of either applicant given at birth.

(3) A hyphenated combination of the potential last names described in paragraphs (a) and (b).

~~[9. 6.]~~ *7.* All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

~~[10. 7.]~~ *8.* A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 3. NRS 122.0615 is hereby amended to read as follows:

122.0615 1. In each county whose population is 100,000 or more but less than 700,000, in which a commercial wedding chapel has been in business for 5 years or more, the board of county commissioners shall:

(a) Ensure that an office where marriage licenses may be issued is open to the public for the purpose of issuing such licenses from 8 a.m. to 12 a.m. every day, including holidays; or

(b) Provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses to qualified applicants during the hours when an office where marriage licenses may be issued pursuant to paragraph (a) is not open to the public.

2. In each county whose population is less than 100,000, in which a commercial wedding chapel has been in business in the county for 5 years or more, the board of county commissioners may provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses to qualified applicants during the hours when an office where marriage licenses may be issued is not open to the public.

3. Except as otherwise provided in subsection 4, a ~~[A]~~ program established pursuant to subsection 1 or 2 must authorize each commercial wedding chapel that has been in business in the county for 5 years or more to begin issuing marriage licenses upon filing with the county clerk a completed registration form prescribed by the board of county commissioners, along with a performance bond in the amount of $50,000. The performance bond must be

conditioned upon the faithful performance of all statutory duties related to the issuance of marriage licenses and compliance with the provisions of NRS 603A.010 to 603A.290, inclusive, that ensure the security of personal information submitted by applicants for a marriage license.

4. A commercial wedding chapel shall refer any application for a marriage license ~~[that includes the signature of a guardian]~~ for a minor applicant *who is 17 years of age* to the county clerk for review and issuance of the marriage license pursuant to NRS 122.040.

5. The county clerk of the county in which a commercial wedding chapel that issues marriage licenses pursuant to this section is located shall provide to the commercial wedding chapel, without charge, any materials necessary for the commercial wedding chapel to issue marriage licenses. The number of marriage licenses that the commercial wedding chapel may issue must not be limited.

6. ~~*[5.]*~~ A commercial wedding chapel that issues marriage licenses pursuant to this section shall comply with all statutory provisions governing the issuance of marriage licenses in the same manner as the county clerk is required to comply, and shall:

(a) File the original application for a marriage license with the county clerk on the first available business day after completion of the application;

(b) Collect from an applicant for a marriage license all fees required by law to be collected; and

(c) Remit all fees collected to the county clerk, in the manner required by the standard of practice adopted by the county clerk.

7. ~~*[6.]*~~ The records of a commercial wedding chapel that issues marriage licenses pursuant to this section which pertain to the issuance of a marriage license are public records and must be made available for public inspection at reasonable times. Such a commercial wedding chapel shall comply with the provisions of NRS 603A.010 to 603A.290, inclusive, in the same manner as all other data collectors to ensure the security of all personal information submitted by applicants for a marriage license.

8. ~~*[7.]*~~ The persons to whom a commercial wedding chapel issues a marriage license may not be joined in marriage in any county other than the county in which the marriage license is issued.

9. ~~*[8.]*~~ A commercial wedding chapel that violates any provision of this section is guilty of a misdemeanor.

Sec. 3.5. NRS 125.320 is hereby amended to read as follows:

125.320 1. When the consent of a parent, guardian or district court, as required by NRS ~~[122.020 or]~~ 122.025, has not been obtained, the marriage is void from the time its nullity is declared by a court of competent jurisdiction.

2. If the consent required by NRS ~~[122.020 or]~~ 122.025 is not first obtained, the marriage contracted without the consent of a parent, guardian or district court may be annulled upon application by or on behalf of the person who fails to obtain such consent, unless such person after reaching the age of 18 years freely cohabits for any time with the other party to the

marriage as a married couple. Any such annulment proceedings must be brought within 1 year after such person reaches the age of 18 years.

Sec. 4. ~~[NRS 125.300 is hereby amended to read as follows:~~

~~"125.300 A marriage may be annulled for any of the causes provided in NRS [125.320 to] *125.330*, *125.340 or* 125.350 . [, inclusive.]]~~ (Deleted by amendment.)

Sec. 5. ~~[NRS 3.223 is hereby amended to read as follows:~~

~~"3.223 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:~~

~~(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.~~

~~(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.~~

~~(c) [For judicial approval of the marriage of a minor.~~

~~(d)] Otherwise within the jurisdiction of the juvenile court.~~

~~[(e)] *(d)* To establish the date of birth, place of birth or parentage of a minor.~~

~~[(f)] *(e)* To change the name of a minor.~~

~~[(g)] *(f)* For a judicial declaration of the sanity of a minor.~~

~~[(h)] *(g)* To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.~~

~~[(i)] *(h)* Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.~~

~~[(j)] *(i)* Brought pursuant to NRS 441A.510 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.~~

~~2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.~~

~~3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.]~~ (Deleted by amendment.)

Sec. 5.3. 1. Each county clerk shall compile a report containing information about each marriage license issued on or after October 1, 2019, for the marriage of a person who is 17 years of age. For each such marriage, the report must include, without limitation, the ages of the parties to the marriage.

2. On or before January 1, 2021, each county clerk shall submit the report required pursuant to this section to the Director of the Legislative Counsel Bureau for distribution to the 81st Session of the Legislature.

Sec. 5.7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. ~~[1.]~~ The amendatory provisions of this act do not affect:

~~[(a)]~~ 1. The validity of any marriage entered into by a minor before October 1, 2019; or

~~[(b)]~~ 2. The legal rights or responsibilities of any minor who married before October 1, 2019.

~~[2. Notwithstanding the repeal of NRS 123.310, a person who on October 1, 2019, is a married minor may make a valid marriage contract or settlement.]~~

Sec. 7. ~~[NRS 122.025, 123.310 and 125.320 are hereby repealed.]~~ (Deleted by amendment.)

~~TEXT OF REPEALED SECTIONS~~

~~122.025 Marriage of persons less than 16 years of age: Consent of parent or guardian; authorization by court.~~

~~1. A person less than 16 years of age may marry only if the person has the consent of:~~

~~(a) Either parent; or~~

~~(b) Such person's legal guardian,~~

~~→ and such person also obtains authorization from a district court as provided in subsection 2.~~

~~2. In extraordinary circumstances, a district court may authorize the marriage of a person less than 16 years of age if the court finds that:~~

~~(a) The marriage will serve the best interests of such person; and~~

~~(b) Such person has the consent required by paragraph (a) or (b) of subsection 1.~~

~~→ Pregnancy alone does not establish that the best interests of such person will be served by marriage, nor may pregnancy be required by a court as a condition necessary for its authorization for the marriage of such person.~~

~~123.310 Minors may make marriage contracts or settlements. A minor capable of contracting marriage may make a valid marriage contract or settlement.~~

~~125.320 Cause for annulment: Lack of consent of parent or guardian.~~

~~1. When the consent of a parent, guardian or district court, as required by NRS 122.020 or 122.025, has not been obtained, the marriage is void from the time its nullity is declared by a court of competent jurisdiction.~~

~~2. If the consent required by NRS 122.020 or 122.025 is not first obtained, the marriage contracted without the consent of a parent, guardian or district court may be annulled upon application by or on behalf of the person who fails to obtain such consent, unless such person after reaching the age of 18 years freely cohabits for any time with the other party to the marriage as a married~~

~~couple. Any such annulment proceedings must be brought within 1 year after such person reaches the age of 18 years.]~~

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 961 to Assembly Bill No. 139 makes various changes to the bill to include provisions that would allow for minors, under very certain and limited circumstances, who are at least 17 years of age, to enter into a marriage contract. It also provides some guidelines for items the court should look at in determining what is in the best interest of the child, including the emotional and intellectual stability of the minor, before permitting the minor to enter into a marriage contract. It also includes provisions to allow the court to provide for certain reports to be made regarding marriages for persons 17 years of age or older.

Amendment adopted.

Bill read third time.

Remarks by Senators Harris, Hansen and Scheible.

SENATOR HARRIS:

Assembly Bill No. 139 requires a person be at least 18 years of age to marry, with the exceptions just adopted in the amendment and explained by the Senator from District 6. The ability of a minor to marry with the consent of either parent or a legal guardian, if the child is at least 16 years of age or with the consent of either parent or legal guardian in addition to the authorization of the court if the child is less than 16 years of age is removed as applicable to the amendment just passed.

SENATOR HANSEN:

I did not have a chance to dig into the amendment on the original bill, which I strongly opposed. This makes it look a lot better. My biggest concern is that in Nevada, the age of consent for sexual activity is 16. For 3 sessions I have been trying to get that bumped up to 18. It makes no sense to say you cannot get married when you are 16 or 17, but it is okay to engage in sexual activity with anyone at any age. I would like to see this Legislative Body say 18 is the minimum age for marriage, and we should certainly have something very similar when it comes to the age of sexual consent. You can theoretically have some fifty-year-old man hanging around a high school trying to get sixteen-year-old sophomores to do things with him. This is absolutely inappropriate, yet it is still Nevada law. If we are going clean up these things, where we do not want people under certain ages to marry, we should aggressively go after the age of sexual consent and bump that up to what most states have done: to at least 17 or 18 years of age.

In the absence of that, I am still opposed to Assembly Bill No. 139. There are many responsible people who have married young, including my parents who married at the age of 18 and 15. They had a marriage that lasted for 36 years and had eight children. My mom is up to about 45 grandkids. I am sympathetic with the idea of what we heard in testimony, which is that religious cults have abused this law. I do not think that is enough of a justification to eliminate the ability for virtually all people ages of 16 and 17 to be able to marry. Current statute is reasonable. We should try to set up the law so we can figure out a way to punish people who abuse it rather than take a right away from all Nevadans. I will vote "no". Although the amendment has made the bill substantially better, it still has not gone far enough, especially on the age of consent. We have to address that at some point.

SENATOR SCHEIBLE:

I would like to make one policy point for those of my colleagues who did not have the advantage of being in the Committee hearings on this bill. Part of the reason Assembly Bill No. 139 was brought forward is Nevada is an exception to the rule. Our marriage laws are different from our neighboring states, and so we have become a destination for individuals, particularly older men who want to marry younger girls who are less than 18 years of age. They come to Nevada to obtain marriage licenses they cannot obtain elsewhere. This is an important perspective to have when we are thinking about whether or not to implement this law. I urge my colleagues to vote in support.

Roll call on Assembly Bill No. 139:

YEAS—15.

NAYS—Goicoechea, Hansen, Hardy, Settelmeyer—4.

EXCUSED—Kieckhefer, Washington—2.

Assembly Bill No. 139 having received a constitutional majority, Madam President declared it passed as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 205.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 205 requires the board of trustees of each school district to establish and maintain an integrated pest management policy and sets out the guidelines such a policy must include. The bill also requires each school district superintendent to appoint a chief integrated pest management coordinator and authorizes the appointment of subordinate coordinators to carry out the duties. Finally, Assembly Bill No. 205 requires boards of trustees to ensure at least 10 percent of district employees are certified in integrated pest management by a nonprofit organization that meets certain qualifications, if the certification is available at no additional cost to the school district.

Roll call on Assembly Bill No. 205:

YEAS—13.

NAYS—Goicoechea, Hammond, Hardy, Pickard, Seevers Gansert, Settelmeyer—6.

EXCUSED—Kieckhefer, Washington—2.

Assembly Bill No. 205 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 282.

Bill read third time.

Remarks by Senator Pickard.

Assembly Bill No. 282 requires the City of Henderson to place on the June 2021 General City Election Ballot a question to amend the city charter to require ward-only voting for city council seats. If Henderson does not hold a General City Election at that time, the question must be placed on the November 2022 General Election ballot. The bill provides that the question must not be withdrawn from the ballot by the Henderson City Council. If the question is approved by the voters, the city will transition to ward-only voting in city council races. Each council member must be voted upon only by the registered voters of the ward the council member represents. All candidates for the office of mayor and municipal judge must be voted on by the registered voters of the city at large. Any person elected or appointed to the office of council member must be a qualified elector of the ward. Provisions relating to the required ballot question are effective upon passage and approval. Sections relating to the transition to ward-only voting, including sections of the Henderson City Charter that are amended prospectively by Assembly Bill No. 50 of the 2019 Legislative Session, if approved, are effective if the voters of Henderson approve the question. This is a measure intended to make the city council members more responsive to their elected wards. I urge passage of this bill.

Roll call on Assembly Bill No. 282:

YEAS—19.

NAYS—None.

EXCUSED—Kieckhefer, Washington—2.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 336.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 336 establishes procedures and requirements for certification of a form required for a victim of a crime who seeks to obtain a nonimmigrant visa, commonly referred to as a U Visa, in order to provide that victim with temporary immigration benefits when he or she is helpful to law enforcement in the investigation or prosecution of criminal activity.

The bill authorizes a petitioner of a U Visa to request from a certifying agency the certification of the U Nonimmigrant Status Certification Form I-918, Supplement B, commonly known as a Certification of Helpfulness Form.

The bill specifies agencies that may perform such certifications and establishes certain timeframes within which the certifications must be processed. This bill prohibits a certifying agency from withdrawing the certification unless the petitioner refuses or fails to assist a law enforcement agency in the prosecution or investigation of the criminal activity. It also prohibits a certifying agency from disclosing the immigration status of a petitioner unless the certifying agency is required to do so because of federal law or a court order or the petitioner consents in writing to such a disclosure.

Roll call on Assembly Bill No. 336:

YEAS—19.

NAYS—None.

EXCUSED—Kieckhefer, Washington—2.

Assembly Bill No. 336 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 353.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 353 makes various changes related to recycling. It requires the Legislative Counsel Bureau (LCB), State agencies, school districts and the Nevada System of Higher Education to recycle electronic waste in addition to other materials, with the exception of construction and demolition waste. Before recycling electronic waste, these entities must permanently remove any data stored on the electronic waste. In addition, the bill exempts the LCB and State agencies from complying with certain recycling requirements if they determine the cost of compliance is unreasonable and represents an undue burden.

The bill standardizes certain definitions of electronic waste, paper, paper products and recyclable material to conform to the definitions in regulations adopted by the State Environmental Commission. It deletes the definition of solid waste and revises the definition of recyclable material to include electronic waste, paper and paper products.

Finally, Assembly Bill No. 353 requires the Director of the State Department of Conservation and Natural Resources to include in the Department's existing biennial report the amount of recycled material reported by State agencies.

Roll call on Assembly Bill No. 353:

YEAS—19.

NAYS—None.

EXCUSED—Kieckhefer, Washington—2.

Assembly Bill No. 353 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 422.

Bill read third time.

The following amendment was proposed by Senator Cannizzaro:

Amendment No. 965.

SUMMARY—Revises provisions governing criminal procedure. (BDR 14-1096)

AN ACT relating to criminal procedure; revising provisions relating to ~~[a judge or magistrate requiring certain bail if a person fails to appear as a]~~ material ~~[witness;]~~ witnesses; revising provisions relating to a court or officer issuing certain warrants for arrest if a person fails to appear as a witness; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a magistrate to require bail for a person who appears as a witness if such a person is material in a criminal proceeding and it is impracticable to secure the presence of the person by subpoena. (NRS 178.494) Section 2 of this bill ~~[requires a judge or magistrate to appoint an attorney when bail is required for such a material witness and requires such an attorney to be present, when practicable. Section 2 also]~~ prescribes certain requirements for making a determination whether a material witness should be detained or continue to be detained, including requiring the material witness to appear before a magistrate as soon as practicable but not later than 72 hours after being detained. ~~[Finally, section]~~ Section 2: (1) requires a material witness who is a victim of domestic violence or sexual assault to appear before a judge or magistrate not later than 24 hours after being detained; ~~[and]~~ (2) authorizes such a determination to be made by telephone for such material witnesses ~~[.]~~ ; and (3) requires the judge or magistrate to appoint an attorney for such a witness under certain circumstances.

Existing law authorizes a court or officer to issue a warrant to arrest a witness upon the failure of the witness to appear. (NRS 50.205) Upon such an arrest, section 3 of this bill requires a court or officer to appoint an attorney to represent the witness. Section 3 also prescribes certain requirements for making a determination whether a witness should be detained or continue to be detained, including requiring the witness to appear before a court or officer as soon as practicable but not later than 72 hours after being detained. Finally, section 3: (1) requires a witness who is a victim of domestic violence or sexual assault to appear before a court or officer not later than 24 hours after being detained; and (2) authorizes such a determination to be made by telephone for such witnesses.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 178.494 is hereby amended to read as follows:

178.494 1. If it appears by affidavit that the testimony of a person is material in any criminal proceeding and if it is shown that it may become impracticable to secure the person's presence by subpoena, the magistrate may require bail for the person's appearance as a witness, in an amount fixed by the magistrate. If the person fails to give bail the magistrate may:

(a) Commit the person to the custody of a peace officer pending final disposition of the proceeding in which the testimony is needed;

(b) Order the person's release if the person has been detained for an unreasonable length of time; and

(c) Modify at any time the requirement as to bail.

2. ~~[~~Every ~~*Upon requiring bail for the person's appearance as a material witness, the magistrate shall appoint an attorney to represent the person and provide the attorney:*~~

~~*(a) With the last known contact information of the person; and*~~

~~*(b) Notice of every proceeding.*~~

~~*3.]*~~ *Except as otherwise provided in subsection* ~~*[4,]*~~ *3, every* person detained as a material witness must be brought before a judge or magistrate ~~[within]~~ *as soon as practicable, but not later than* 72 hours after the beginning of the detention. The judge or magistrate shall *consider the least restrictive means to secure the person's presence and* make a determination whether:

(a) The amount of bail required to be given by the material witness should be modified; and

(b) The detention of the material witness should continue. *If the court determines that detention of the material witness should continue, the court must make written findings stating why detention should continue.*

~~*[4.]*~~ *3. A person detained as a material witness pursuant to this section who is a victim of domestic violence or sexual assault:*

(a) Must be brought before a judge or magistrate, as soon as practicable, but not later than 24 hours after the beginning of the detention:

(b) May be detained or continue detention pursuant to a determination by telephone; and

(c) ~~*[To the extent practicable, must]*~~ *Must have* ~~*[the]*~~ *an attorney appointed* ~~*[pursuant to subsection 2]*~~ *by the judge or magistrate, who, to the extent practicable, shall participate in any determination regarding detention pursuant to this section.*

~~[~~~~*5.]*~~ *4.* The judge or magistrate shall ~~[set]~~ *:*

(a) Set a schedule for the periodic review of whether the amount of bail required should be modified and whether detention should continue ~~[.]~~ *; and*

(b) Schedule the case in which the material witness will testify to take place as soon as possible if substantial rights of the defendant are not prejudiced.

~~*[6.]*~~ *5. As used in this section:*

(a) "Domestic violence" means the commission of any act described in NRS 33.018.

(b) "Sexual assault" has the meaning ascribed to it in NRS 49.2543.

Sec. 3. NRS 50.205 is hereby amended to read as follows:

50.205 ~~[In]~~

1. In case of failure of a witness to attend, the court or officer issuing the subpoena, upon proof of the service thereof and of the failure of the witness, may issue a warrant to the sheriff of the county to arrest the witness and bring the witness before the court or officer where the attendance of the witness was required.

2. Upon the arrest of a witness pursuant to subsection 1, the court or officer issuing the warrant shall appoint an attorney to represent the witness and provide the attorney:

(a) With the last known contact information of the witness; and

(b) Notice of every proceeding.

3. Except as otherwise provided in subsection 4, every witness detained pursuant to a warrant issued pursuant to this section must be brought before the court or officer as soon as practicable but not later than 72 hours after the beginning of the detention. The court or officer shall consider the least restrictive means to secure the presence of the witness and make a determination whether the detention of the witness should continue. If the court determines that the detention of the witness should continue, the court must make written findings stating why detention should continue.

4. A person detained as a witness pursuant to this section who is a victim of domestic violence or sexual assault:

(a) Must be brought before the court or officer as soon as practicable but not later than 24 hours after the beginning of the detention;

(b) May be detained or continue detention pursuant to a determination by telephone; and

(c) To the extent practicable, must have the attorney appointed pursuant to subsection 2 participate in any determination pursuant to this section.

5. The court or officer shall:

(a) Set a schedule for the periodic review of whether detention should continue; and

(b) Schedule the case in which the witness will testify to take place as soon as possible if substantial rights of the defendant are not prejudiced.

6. As used in this section:

(a) "Domestic violence" means the commission of any act described in NRS 33.018.

(b) "Sexual assault" has the meaning ascribed to it in NRS 49.2543.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 965 to Senate Bill No. 422 clarifies additional provisions ensuring an attorney would be appointed to a material witness once that witness was arrested. There was additional language included in section 2 of the bill that did not conform with the other amendments made to the bill as to when the attorney would be appointed, and this clarifies the attorney would be appointed once an arrest had been made.

Amendment adopted.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 422 revises provisions governing the failure of a material witness or a witness to appear at a legal proceeding. A judge or magistrate must consider the least restrictive means to secure the person's presence and make a determination whether the detention should continue. The measure provides requirements that must be met if the court determines the detention of the material witness should continue. A person detained as a material witness who is a victim of domestic violence or sexual assault must be brought before a judge or magistrate not later than 24 hours after being detained.

Upon the arrest of the witness who failed to appear in court as required by a subpoena, the court or officer must appoint an attorney to represent the witness. If a witness is detained, he or she must be brought before the court or officer as soon as practicable, but not later than 72 hours after the beginning of the detention. The court or officer must consider the least restrictive means to secure the presence of the witness and make a determination whether the detention of the witness should continue. If the court determines the detention of the witness should continue, the court must make written findings stating why detention should continue.

Roll call on Assembly Bill No. 422:

YEAS—19.

NAYS—None.

EXCUSED—Kieckhefer, Washington—2.

Assembly Bill No. 422 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 492.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 492 provides that a mental injury sustained by certain employees caused by extreme stress after directly witnessing certain violent events is considered a compensable injury or disease for purposes of industrial insurance if it arose out of and in the course of his or her employment. The bill requires an agency that employs a first responder, including a first responder who is a volunteer, to provide educational training to the first responder on the awareness, prevention, mitigation and treatment of mental health issues. Additionally, the bill exempts certain employees, suffering from a mental injury caused by extreme stress due to directly witnessing certain violent events from provisions that prohibit the payment of temporary compensation benefits for an injury or temporary total disability that does not incapacitate the employee for a minimum number of days. Finally, the bill requires the regulations established by the Division of Industrial Relations of the Department of Business and Industry for determining an average monthly wage include concurrent wages of the injured employee under certain circumstances. I urge your support.

Roll call on Assembly Bill No. 492:

YEAS—19.

NAYS—None.

EXCUSED—Kieckhefer, Washington—2.

Assembly Bill No. 492 having received a constitutional majority, Madam 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 Bills Nos. 30, 46, 103, 104, 201, 262, 270, 315, 383; Senate Concurrent Resolution No. 8; Assembly Bills Nos. 142, 233, 280, 335, 347, 362, 370, 385, 387, 398, 406, 410, 413, 430, 431, 432, 448.

Senator Cannizzaro moved that the Senate adjourn until Saturday, May 25, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 9:42 p.m.

Approved: KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate