

Amendment No. 160

Senate Amendment to Senate Bill No. 338	(BDR 39-52)
Proposed by: Senate Committee on Health and Human Services	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) green bold italic underlining is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold underlining is newly added transitory language.

SHORT FORM AMENDMENT

Sections 69, 70, 72, 74, 87, 88, 90, 91, 92, 96, 98, 100, 109, 111, 112, 113, 114, 115, 116 and 117 of this act are the only sections affected by this amendment.

MSM/RBL



Date: 4/8/2013

S.B. No. 338—Changes the term “mental retardation” to “intellectual disability” in NRS. (BDR 39-52)



Section 69 of Senate Bill No. 338 is hereby amended as follows:

1 **Sec. 69.** ~~NRS 6.030 is hereby amended to read as follows:~~
2 ~~6.030~~ 1. The court may at any time temporarily excuse any juror on account
3 of:
4 ~~(a) Sickness or physical disability;~~
5 ~~(b) Serious illness or death of a member of the juror's immediate family;~~
6 ~~(c) Undue hardship or extreme inconvenience;~~
7 ~~(d) Public necessity;~~
8 2. In addition to the reasons set forth in subsection 1, the court may at any
9 time temporarily excuse a person who provides proof that the person is the primary
10 caregiver of another person who has a documented medical condition which
11 requires the assistance of another person at all times.
12 3. A person temporarily excused shall appear for jury service as the court may
13 direct.
14 4. The court shall permanently excuse any person from service as a juror if
15 the person is incapable, by reason of a permanent physical or [mental] *intellectual*
16 disability, of rendering satisfactory service as a juror. The court may require the
17 prospective juror to submit a physician's certificate concerning the nature and
18 extent of the disability and the certifying physician may be required to testify
19 concerning the disability when the court so directs.] **(Deleted by amendment.)**

Section 70 of Senate Bill No. 338 is hereby amended as follows:

20 **Sec. 70.** ~~NRS 40.251 is hereby amended to read as follows:~~
21 ~~40.251~~ 1. A tenant of real property, a recreational vehicle or a mobile home
22 for a term less than life is guilty of an unlawful detainer when having leased:
23 (a) Real property, except as otherwise provided in this section, or a mobile
24 home for an indefinite time, with monthly or other periodic rent reserved, the tenant
25 continues in possession thereof, in person or by subtenant, without the landlord's
26 consent after the expiration of a notice of:
27 (1) For tenancies from week to week, at least 7 days;
28 (2) Except as otherwise provided in subsection 2, for all other periodic
29 tenancies, at least 30 days; or
30 (3) For tenancies at will, at least 5 days.
31 (b) A dwelling unit subject to the provisions of chapter 118A of NRS, the
32 tenant continues in possession, in person or by subtenant, without the landlord's
33 consent after expiration of:
34 (1) The term of the rental agreement or its termination and, except as
35 otherwise provided in subparagraph (2), the expiration of a notice of:
36 (I) At least 7 days for tenancies from week to week; and
37 (II) Except as otherwise provided in subsection 2, at least 30 days for
38 all other periodic tenancies; or
39 (2) A notice of at least 5 days where the tenant has failed to perform the
40 tenant's basic or contractual obligations under chapter 118A of NRS.
41 (c) A mobile home lot subject to the provisions of chapter 118B of NRS, or a
42 lot for a recreational vehicle in an area of a mobile home park other than an area
43 designated as a recreational vehicle lot pursuant to the provisions of subsection 6 of

1 ~~NRS 40.215, the tenant continues in possession, in person or by subtenant, without~~
 2 ~~the landlord's consent:~~

3 ~~(1) After notice has been given pursuant to NRS 118B.115, 118B.170 or~~
 4 ~~118B.190 and the period of the notice has expired; or~~

5 ~~(2) If the person is not a natural person and has received three notices for~~
 6 ~~nonpayment of rent within a 12-month period, immediately upon failure to pay~~
 7 ~~timely rent.~~

8 ~~(d) A recreational vehicle lot, the tenant continues in possession, in person or~~
 9 ~~by subtenant, without the landlord's consent, after the expiration of a notice of at~~
 10 ~~least 5 days.~~

11 ~~2. Except as otherwise provided in this section, if a tenant with a periodic~~
 12 ~~tenancy pursuant to paragraph (a) or (b) of subsection 1, other than a tenancy from~~
 13 ~~week to week, is 60 years of age or older or has a physical or [mental] *intellectual*~~
 14 ~~disability, the tenant may request to be allowed to continue in possession for an~~
 15 ~~additional 30 days beyond the time specified in subsection 1 by submitting a~~
 16 ~~written request for an extended period and providing proof of the tenant's age or~~
 17 ~~disability. A landlord may not be required to allow a tenant to continue in~~
 18 ~~possession if a shorter notice is provided pursuant to subparagraph (2) of paragraph~~
 19 ~~(b) of subsection 1.~~

20 ~~3. Any notice provided pursuant to paragraph (a) or (b) of subsection 1 must~~
 21 ~~include a statement advising the tenant of the provisions of subsection 2.~~

22 ~~4. If a landlord rejects a request to allow a tenant to continue in possession for~~
 23 ~~an additional 30 days pursuant to subsection 2, the tenant may petition the court for~~
 24 ~~an order to continue in possession for the additional 30 days. If the tenant submits~~
 25 ~~proof to the court that the tenant is entitled to request such an extension, the court~~
 26 ~~may grant the petition and enter an order allowing the tenant to continue in~~
 27 ~~possession for the additional 30 days. If the court denies the petition, the tenant~~
 28 ~~must be allowed to continue in possession for 5 calendar days following the date of~~
 29 ~~entry of the order denying the petition.] (Deleted by amendment.)~~

Section 72 of Senate Bill No. 338 is hereby amended as follows:

30 **Sec. 72.** ~~[NRS 41.690 is hereby amended to read as follows:~~

31 ~~41.690 1. A person who has suffered injury as the proximate result of the~~
 32 ~~willful violation of the provisions of NRS 200.280, 200.310, 200.366, 200.380,~~
 33 ~~200.400, 200.460, 200.462, 200.464, 200.465, 200.467, 200.468, 200.471, 200.481,~~
 34 ~~200.508, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060,~~
 35 ~~203.080, 203.090, 203.100, 203.110, 203.119, 206.010, 206.040, 206.140, 206.200,~~
 36 ~~206.310, 207.180, 207.200 or 207.210 by a perpetrator who was motivated by the~~
 37 ~~injured person's actual or perceived race, color, religion, national origin, physical~~
 38 ~~or [mental] *intellectual* disability or sexual orientation may bring an action for the~~
 39 ~~recovery of his or her actual damages and any punitive damages which the facts~~
 40 ~~may warrant. If the person who has suffered injury prevails in an action brought~~
 41 ~~pursuant to this subsection, the court shall award the person costs and reasonable~~
 42 ~~attorney's fees.~~

43 ~~2. The liability imposed by this section is in addition to any other liability~~
 44 ~~imposed by law.] (Deleted by amendment.)~~

Section 74 of Senate Bill No. 338 is hereby amended as follows:

1 **Sec. 74.** ~~[NRS 118A.340 is hereby amended to read as follows:~~

2 ~~118A.340 1. Notwithstanding any provision in a lease of a dwelling to the~~
 3 ~~contrary, if a physical or mental condition of a tenant requires the relocation of the~~
 4 ~~tenant from his or her dwelling because of a need for care or treatment that cannot~~
 5 ~~be provided in the dwelling and the tenant is 60 years of age or older or has a~~
 6 ~~physical or [mental] *intellectual* disability;~~

7 ~~(a) That tenant may terminate the lease by giving the landlord 30 days' written~~
 8 ~~notice within 60 days after the tenant relocates; and~~

9 ~~(b) A cotenant of that tenant may terminate the lease by giving the landlord 30~~
 10 ~~days' written notice within 60 days after the tenant relocates if:~~

11 ~~(1) The cotenant became a tenant of the dwelling before the date on which~~
 12 ~~the lease was signed by the tenant who is relocating and the cotenant is 60 years of~~
 13 ~~age or older or has a physical or [mental] *intellectual* disability; or~~

14 ~~(2) The cotenant became a tenant of the dwelling on or after the date on~~
 15 ~~which the lease was signed by the tenant who is relocating.~~

16 ~~2. Notwithstanding any provision in a lease of a dwelling to the contrary,~~
 17 ~~upon the death of the spouse or cotenant of:~~

18 ~~(a) A tenant who is 60 years of age or older; or~~

19 ~~(b) A tenant who has a physical or [mental] *intellectual* disability;~~

20 ~~the tenant may terminate the lease by giving the landlord 60 days' written notice~~
 21 ~~within 3 months after the death.~~

22 ~~3. The written notice provided to a landlord pursuant to subsection 1 or 2~~
 23 ~~must set forth the facts which demonstrate that the tenant or cotenant is entitled to~~
 24 ~~terminate the lease. If the tenant or cotenant is terminating the lease pursuant to~~
 25 ~~subsection 1, the tenant or cotenant shall include reasonable verification:~~

26 ~~(a) Of the existence of the physical or mental condition of the tenant; and~~

27 ~~(b) That the physical or mental condition requires the relocation of the tenant~~
 28 ~~from his or her dwelling because of a need for care or treatment that cannot be~~
 29 ~~provided in the dwelling.~~

30 ~~4. This section does not give a landlord the right to terminate a lease solely~~
 31 ~~because of the death of one of the tenants.~~

32 ~~5. As used in this section, "cotenant" means a tenant who, pursuant to a lease,~~
 33 ~~is entitled to occupy a dwelling that another tenant who is 60 years of age or older~~
 34 ~~or who has a physical or [mental] *intellectual* disability is also entitled to occupy~~
 35 ~~pursuant to the same lease.] (Deleted by amendment.)~~

Section 87 of Senate Bill No. 338 is hereby amended as follows:

36 **Sec. 87.** ~~[NRS 179A.175 is hereby amended to read as follows:~~

37 ~~179A.175 1. The Director of the Department shall establish within the~~
 38 ~~Central Repository a Program for Reporting Crimes that manifest evidence of~~
 39 ~~prejudice based on race, color, religion, national origin, physical or [mental]~~
 40 ~~*intellectual* disability or sexual orientation.~~

41 ~~2. The Program must be designed to collect, compile and analyze statistical~~
 42 ~~data about crimes that manifest evidence of prejudice based on race, color, religion,~~
 43 ~~national origin, physical or [mental] *intellectual* disability or sexual orientation.~~
 44 ~~The Director shall adopt guidelines for the collection of the statistical data,~~
 45 ~~including, but not limited to, the criteria to establish the presence of prejudice.~~

~~3. The Central Repository shall include in its annual report to the Governor pursuant to subsection 6 of NRS 179A.075, and in any other appropriate report, an independent section relating solely to the analysis of crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or [mental] **intellectual** disability or sexual orientation.~~

~~4. Data acquired pursuant to this section must be used only for research or statistical purposes and must not contain any information that may reveal the identity of an individual victim of a crime.] (Deleted by amendment.)~~

Section 88 of Senate Bill No. 338 is hereby amended as follows:

Sec. 88. ~~NRS 193.1675 is hereby amended to read as follows:~~

~~193.1675 1. Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.280, 200.310, 200.266, 200.280, 200.400, 200.460 to 200.465, inclusive, paragraph (b) of subsection 2 of NRS 200.471, NRS 200.508, 200.5099 or subsection 2 of NRS 200.575 because the actual or perceived race, color, religion, national origin, physical or [mental] **intellectual** disability or sexual orientation of the victim was different from that characteristic of the perpetrator may, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years. In determining the length of any additional penalty imposed, the court shall consider the following information:~~

- ~~(a) The facts and circumstances of the crime;~~
- ~~(b) The criminal history of the person;~~
- ~~(c) The impact of the crime on any victim;~~
- ~~(d) Any mitigating factors presented by the person; and~~
- ~~(e) Any other relevant information.~~

~~→ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of any additional penalty imposed.~~

~~2. A sentence imposed pursuant to this section:~~

- ~~(a) Must not exceed the sentence imposed for the crime; and~~
- ~~(b) Runs consecutively with the sentence prescribed by statute for the crime.~~

~~3. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.] (Deleted by amendment.)~~

Section 90 of Senate Bill No. 338 is hereby amended as follows:

Sec. 90. ~~NRS 200.033 is hereby amended to read as follows:~~

~~200.033 The only circumstances by which murder of the first degree may be aggravated are:~~

- ~~1. The murder was committed by a person under sentence of imprisonment.~~
- ~~2. The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of:~~
 - ~~(a) Another murder and the provisions of subsection 12 do not otherwise apply to that other murder; or~~

1 ~~— (b) A felony involving the use or threat of violence to the person of another~~
2 ~~and the provisions of subsection 4 do not otherwise apply to that felony.~~

3 ~~— For the purposes of this subsection, a person shall be deemed to have been~~
4 ~~convicted at the time the jury verdict of guilt is rendered or upon pronouncement of~~
5 ~~guilt by a judge or judges sitting without a jury.~~

6 ~~— 3. The murder was committed by a person who knowingly created a great risk~~
7 ~~of death to more than one person by means of a weapon, device or course of action~~
8 ~~which would normally be hazardous to the lives of more than one person.~~

9 ~~— 4. The murder was committed while the person was engaged, alone or with~~
10 ~~others, in the commission of, or an attempt to commit or flight after committing or~~
11 ~~attempting to commit, any robbery, arson in the first degree, burglary, invasion of~~
12 ~~the home or kidnapping in the first degree, and the person charged:~~

13 ~~— (a) Killed or attempted to kill the person murdered; or~~

14 ~~— (b) Knew or had reason to know that life would be taken or lethal force used.~~

15 ~~— 5. The murder was committed to avoid or prevent a lawful arrest or to effect~~
16 ~~an escape from custody.~~

17 ~~— 6. The murder was committed by a person, for himself or herself or another,~~
18 ~~to receive money or any other thing of monetary value.~~

19 ~~— 7. The murder was committed upon a peace officer or firefighter who was~~
20 ~~killed while engaged in the performance of his or her official duty or because of an~~
21 ~~act performed in his or her official capacity, and the defendant knew or reasonably~~
22 ~~should have known that the victim was a peace officer or firefighter. For the~~
23 ~~purposes of this subsection, “peace officer” means:~~

24 ~~— (a) An employee of the Department of Corrections who does not exercise~~
25 ~~general control over offenders imprisoned within the institutions and facilities of the~~
26 ~~Department, but whose normal duties require the employee to come into contact~~
27 ~~with those offenders when carrying out the duties prescribed by the Director of the~~
28 ~~Department.~~

29 ~~— (b) Any person upon whom some or all of the powers of a peace officer are~~
30 ~~conferred pursuant to NRS 289.150 to 289.360, inclusive, when carrying out those~~
31 ~~powers.~~

32 ~~— 8. The murder involved torture or the mutilation of the victim.~~

33 ~~— 9. The murder was committed upon one or more persons at random and~~
34 ~~without apparent motive.~~

35 ~~— 10. The murder was committed upon a person less than 14 years of age.~~

36 ~~— 11. The murder was committed upon a person because of the actual or~~
37 ~~perceived race, color, religion, national origin, physical or [mental] *intellectual*~~
38 ~~disability or sexual orientation of that person.~~

39 ~~— 12. The defendant has, in the immediate proceeding, been convicted of more~~
40 ~~than one offense of murder in the first or second degree. For the purposes of this~~
41 ~~subsection, a person shall be deemed to have been convicted of a murder at the time~~
42 ~~the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or~~
43 ~~judges sitting without a jury.~~

44 ~~— 13. The person, alone or with others, subjected or attempted to subject the~~
45 ~~victim of the murder to nonconsensual sexual penetration immediately before,~~
46 ~~during or immediately after the commission of the murder. For the purposes of this~~
47 ~~subsection:~~

48 ~~— (a) “Noneconsensual” means against the victim’s will or under conditions in~~
49 ~~which the person knows or reasonably should know that the victim is mentally or~~
50 ~~physically incapable of resisting, consenting or understanding the nature of his or~~
51 ~~her conduct, including, but not limited to, conditions in which the person knows or~~
52 ~~reasonably should know that the victim is dead.~~

1 ~~(b) “Sexual penetration” means cunnilingus, fellatio or any intrusion, however~~
 2 ~~slight, of any part of the victim’s body or any object manipulated or inserted by a~~
 3 ~~person, alone or with others, into the genital or anal openings of the body of the~~
 4 ~~victim, whether or not the victim is alive. The term includes, but is not limited to,~~
 5 ~~anal intercourse and sexual intercourse in what would be its ordinary meaning.~~

6 ~~14. The murder was committed on the property of a public or private school,~~
 7 ~~at an activity sponsored by a public or private school or on a school bus while the~~
 8 ~~bus was engaged in its official duties by a person who intended to create a great risk~~
 9 ~~of death or substantial bodily harm to more than one person by means of a weapon,~~
 10 ~~device or course of action that would normally be hazardous to the lives of more~~
 11 ~~than one person. For the purposes of this subsection, “school bus” has the meaning~~
 12 ~~ascribed to it in NRS 483.160.~~

13 ~~15. The murder was committed with the intent to commit, cause, aid, further~~
 14 ~~or conceal an act of terrorism. For the purposes of this subsection, “act of~~
 15 ~~terrorism” has the meaning ascribed to it in NRS 202.4415.] (Deleted by~~
 16 ~~amendment.)~~

Section 91 of Senate Bill No. 338 is hereby amended as follows:

17 **Sec. 91.** NRS 207.014 is hereby amended to read as follows:

18 207.014 1. A person who:

19 (a) Has been convicted in this State of any felony committed on or after July 1,
 20 1995, of which fraud or intent to defraud is an element; and

21 (b) Has previously been two times convicted, whether in this State or
 22 elsewhere, of any felony of which fraud or intent to defraud is an element before
 23 the commission of the felony under paragraph (a),

24 ➤ is a habitually fraudulent felon and shall be punished for a category B felony by
 25 imprisonment in the state prison for a minimum term of not less than 5 years and a
 26 maximum term of not more than 20 years, if the victim of each offense was an
 27 older person, a person with a mental ~~fan intellectual~~ disability or a vulnerable
 28 person.

29 2. The prosecuting attorney shall include a count under this section in any
 30 information or shall file a notice of habitually fraudulent felon if an indictment is
 31 found, if the prior convictions and the alleged offense committed by the accused are
 32 felonies of which fraud or intent to defraud is an element and the victim of each
 33 offense was:

34 (a) An older person;

35 (b) A person with a mental ~~fan intellectual~~ disability; or

36 (c) A vulnerable person.

37 3. The trial judge may not dismiss a count under this section that is included
 38 in an indictment or information.

39 4. As used in this section:

40 (a) “Older person” means a person who is:

41 (1) Sixty-five years of age or older if the crime was committed before
 42 October 1, 2003.

43 (2) Sixty years of age or older if the crime was committed on or after
 44 October 1, 2003.

45 (b) “Person with a mental ~~fan intellectual~~ disability” means a person who has
 46 a mental impairment which is medically documented and substantially limits one or
 47 more of the person’s major life activities. The term includes, but is not limited to, a
 48 person who:

- 1 (1) Suffers from ~~mental retardation;~~ *an intellectual disability;*
 2 (2) Suffers from a severe mental or emotional illness;
 3 (3) Has a severe learning disability; or
 4 (4) Is experiencing a serious emotional crisis in his or her life as a result of
 5 the fact that the person or a member of his or her immediate family has a
 6 catastrophic illness.
 7 (c) “Vulnerable person” has the meaning ascribed to it in subsection 7 of NRS
 8 200.5092.

Section 92 of Senate Bill No. 338 is hereby amended as follows:

9 **Sec. 92.** ~~NRS 207.185 is hereby amended to read as follows:~~
 10 ~~207.185 Unless a greater penalty is provided by law, a person who, by reason~~
 11 ~~of the actual or perceived race, color, religion, national origin, physical or [mental]~~
 12 ~~intellectual disability or sexual orientation of another person or group of persons,~~
 13 ~~willfully violates any provision of NRS 200.471, 200.481, 200.5099, 200.571,~~
 14 ~~200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110,~~
 15 ~~203.119, 206.010, 206.040, 206.140, 206.200, 206.310, 207.180, 207.200 or~~
 16 ~~207.210 is guilty of a gross misdemeanor. (Deleted by amendment.)~~

Section 96 of Senate Bill No. 338 is hereby amended as follows:

17 **Sec. 96.** NRS 274.270 is hereby amended to read as follows:
 18 274.270 1. The governing body shall investigate the proposal made by a
 19 business pursuant to NRS 274.260, and if it finds that the business is qualified by
 20 financial responsibility and business experience to create and preserve employment
 21 opportunities in the specially benefited zone and improve the economic climate of
 22 the municipality and finds further that the business did not relocate from a
 23 depressed area in this State or reduce employment elsewhere in Nevada in order to
 24 expand in the specially benefited zone, the governing body may, on behalf of the
 25 municipality, enter into an agreement with the business, for a period of not more
 26 than 20 years, under which the business agrees in return for one or more of the
 27 benefits authorized in this chapter and NRS 374.643 for qualified businesses, as
 28 specified in the agreement, to establish, expand, renovate or occupy a place of
 29 business within the specially benefited zone and hire new employees at least 35
 30 percent of whom at the time they are employed are at least one of the following:
 31 (a) Unemployed persons who have resided at least 6 months in the
 32 municipality.
 33 (b) Persons eligible for employment or job training under any federal program
 34 for employment and training who have resided at least 6 months in the
 35 municipality.
 36 (c) Recipients of benefits under any state or county program of public
 37 assistance, including, without limitation, temporary assistance for needy families,
 38 Medicaid and unemployment compensation who have resided at least 6 months in
 39 the municipality.
 40 (d) Persons with a physical or ~~mental handicap~~ *intellectual disability* who
 41 have resided at least 6 months in the State.
 42 (e) Residents for at least 1 year of the area comprising the specially benefited
 43 zone.

2. To determine whether a business is in compliance with an agreement, the governing body:

(a) Shall each year require the business to file proof satisfactory to the governing body of its compliance with the agreement.

(b) May conduct any necessary investigation into the affairs of the business and may inspect at any reasonable hour its place of business within the specially benefited zone.

↳ If the governing body determines that the business is in compliance with the agreement, it shall issue a certificate to that effect to the business. The certificate expires 1 year after the date of its issuance.

3. The governing body shall file with the Administrator, the Department of Taxation and the Employment Security Division of the Department of Employment, Training and Rehabilitation a copy of each agreement, the information submitted under paragraph (a) of subsection 2 and the current certificate issued to the business under that subsection. The governing body shall immediately notify the Administrator, the Department of Taxation and the Employment Security Division of the Department of Employment, Training and Rehabilitation whenever the business is no longer certified.

Section 98 of Senate Bill No. 338 is hereby amended as follows:

Sec. 98. ~~NRS 292.127 is hereby amended to read as follows:~~

~~292.127 1. This title must be liberally construed to the end that:~~

~~(a) All electors, including, without limitation, electors who are elderly or disabled, have an opportunity to participate in elections and to cast their votes privately;~~

~~(b) An eligible voter with a physical or [mental] *intellectual* disability is not denied the right to vote solely because of the physical or [mental] *intellectual* disability; and~~

~~(c) The real will of the electors is not defeated by any informality or by failure substantially to comply with the provisions of this title with respect to the giving of any notice or the conducting of an election or certifying the results thereof;~~

~~2. For purposes of counting a vote, the real will of an elector must be determined pursuant to NRS 292.3677 or 292C.369 or regulations adopted pursuant to NRS 292.3677 or 292C.369.] **(Deleted by amendment.)**~~

Section 100 of Senate Bill No. 338 is hereby amended as follows:

Sec. 100. ~~NRS 396.930 is hereby amended to read as follows:~~

~~396.930 1. Except as otherwise provided in subsections 2 and 3, a student may apply to the Board of Regents for a Millennium Scholarship if the student:~~

~~(a) Except as otherwise provided in paragraph (c) of subsection 2, has been a resident of this State for at least 2 years before the student applies for the Millennium Scholarship;~~

~~(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State;~~

~~(1) After May 1, 2000, but not later than May 1, 2003; or~~

~~(2) After May 1, 2003, and, except as otherwise provided in paragraphs (c), (d) and (f) of subsection 2, not more than 6 years before the student applies for the Millennium Scholarship;~~

~~(c) Does not satisfy the requirements of paragraph (b) and:~~
~~(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;~~
~~(2) Received his or her high school diploma within 4 years after he or she was regularly scheduled to graduate; and~~
~~(3) Applies for the Millennium Scholarship not more than 6 years after he or she was regularly scheduled to graduate from high school;~~
~~(d) Maintained in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:~~
~~(1) A 3.00 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2002 or 2004;~~
~~(2) A 3.10 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or~~
~~(3) A 3.25 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class; and~~
~~(e) Is enrolled in at least:~~
~~(1) Six semester credit hours in a community college within the System;~~
~~(2) Twelve semester credit hours in another eligible institution; or~~
~~(3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.~~
~~2. The Board of Regents:~~
~~(a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship.~~
~~(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.~~
~~(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6 year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.~~
~~(d) Shall establish criteria with respect to students who have a documented physical or [mental] *intellectual* disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education 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:~~
~~(1) The 6 year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph (b) of subsection 1.~~
~~(2) The minimum number of credits prescribed in paragraph (e) of subsection 1.~~
~~(e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 2.~~
~~(f) Shall establish criteria with respect to students who have been actively serving or participating in a charitable, religious or public service assignment or mission to exempt such students from the 6 year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must provide for the award of Millennium Scholarships to those students who qualify for the exemption and who otherwise meet the eligibility criteria to the extent that money is available to award Millennium Scholarships to the students after all other~~

1 obligations for the award of Millennium Scholarships for the current school year
2 have been satisfied.

3 ~~2. Except as otherwise provided in paragraph (c) of subsection 1, for students
4 who did not graduate from a public or private high school in this State and who,
5 except as otherwise provided in paragraph (c) of subsection 2, have been residents
6 of this State for at least 2 years, the Board of Regents shall establish:~~

7 ~~— (a) The minimum score on a standardized test that such students must receive;
8 or~~

9 ~~— (b) Other criteria that students must meet,
10 to be eligible for Millennium Scholarships.~~

11 ~~4. In awarding Millennium Scholarships, the Board of Regents shall enhance
12 its outreach to students who:~~

13 ~~— (a) Are pursuing a career in education or health care;~~

14 ~~— (b) Come from families who lack sufficient financial resources to pay for the
15 costs of sending their children to an eligible institution; or~~

16 ~~— (c) Substantially participated in an antismoking, antidrug or antialcohol
17 program during high school.~~

18 ~~5. The Board of Regents shall establish a procedure by which an applicant for
19 a Millennium Scholarship is required to execute an affidavit declaring the
20 applicant's eligibility for a Millennium Scholarship pursuant to the requirements of
21 this section. The affidavit must include a declaration that the applicant is a citizen
22 of the United States or has lawful immigration status, or that the applicant has filed
23 an application to legalize the applicant's immigration status or will file an
24 application to legalize his or her immigration status as soon as he or she is eligible
25 to do so. (Deleted by amendment.)~~

Section 109 of Senate Bill No. 338 is hereby amended as follows:

26 **Sec. 109.** ~~NRS 483.250 is hereby amended to read as follows:~~

27 ~~483.250 The Department shall not issue any license pursuant to the provisions
28 of NRS 483.010 to 483.630, inclusive:~~

29 ~~1. To any person who is under the age of 18 years, except that the Department
30 may issue:~~

31 ~~— (a) A restricted license to a person between the ages of 14 and 18 years
32 pursuant to the provisions of NRS 483.267 and 483.270.~~

33 ~~— (b) An instruction permit to a person who is at least 15 1/2 years of age
34 pursuant to the provisions of subsection 1 of NRS 483.280.~~

35 ~~— (c) A restricted instruction permit to a person under the age of 18 years
36 pursuant to the provisions of subsection 3 of NRS 483.280.~~

37 ~~— (d) A driver's license to a person who is 16 or 17 years of age pursuant to NRS
38 483.2521.~~

39 ~~2. To any person whose license has been revoked until the expiration of the
40 period during which the person is not eligible for a license.~~

41 ~~3. To any person whose license has been suspended, but upon good cause
42 shown to the Administrator, the Department may issue a restricted license to the
43 person or shorten any period of suspension.~~

44 ~~4. To any person who has previously been adjudged to be afflicted with or
45 suffering from any [mental] *intellectual* disability or disease and who has not at the
46 time of application been restored to legal capacity.~~

47 ~~5. To any person who is required by NRS 483.010 to 483.630, inclusive, to
48 take an examination, unless the person has successfully passed the examination.~~

~~6. To any person when the Administrator has good cause to believe that by reason of physical or [mental] *intellectual* disability that person would not be able to operate a motor vehicle safely.~~

~~7. To any person who is not a resident of this State.~~

~~8. To any child who is the subject of a court order issued pursuant to title 5 of NRS which delays the child's privilege to drive.~~

~~9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which delays the person's privilege to drive until the expiration of the period of delay.~~

~~10. To any person who is not eligible for the issuance of a license pursuant to NRS 482.282.] (Deleted by amendment.)~~

Section 111 of Senate Bill No. 338 is hereby amended as follows:

Sec. 111. ~~[NRS 615.110 is hereby amended to read as follows:~~

~~615.110 "Individual with a disability" means:~~

~~1. Any individual who has a physical or [mental] *intellectual* disability which constitutes a substantial handicap to employment but which is of such a nature that vocational rehabilitation services may reasonably be expected to render the individual fit to engage in a gainful occupation, including a gainful occupation which is more consistent with the capacities and abilities of the individual.~~

~~2. Any individual who has a physical or [mental] *intellectual* disability which constitutes a substantial handicap to employment for whom vocational rehabilitation services are necessary for the purposes of the determination of rehabilitation potential.] (Deleted by amendment.)~~

Section 112 of Senate Bill No. 338 is hereby amended as follows:

Sec. 112. ~~[NRS 615.120 is hereby amended to read as follows:~~

~~615.120 "Physical or [mental] *intellectual* disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning. It includes behavioral disorders characterized by deviant social behavior or impaired ability to carry out normal relationships with family and community which may result from vocational, educational, cultural, social, environmental or other factors.] (Deleted by amendment.)~~

Section 113 of Senate Bill No. 338 is hereby amended as follows:

Sec. 113. ~~[NRS 615.130 is hereby amended to read as follows:~~

~~615.130 "Substantial handicap to employment" means that a physical or [mental] *intellectual* disability (in the light of attendant medical, psychological, vocational, cultural, social or environmental factors) impedes an individual's occupational performance, by preventing the individual's obtaining, retaining or preparing for a gainful occupation consistent with the capacities and abilities of the individual.] (Deleted by amendment.)~~

Section 114 of Senate Bill No. 338 is hereby amended as follows:

1 **Sec. 114.** ~~NRS 615.230 is hereby amended to read as follows:~~
2 ~~615.230 1. The Department through the Bureau may make agreements,~~
3 ~~arrangements or plans to:~~
4 ~~(a) Cooperate with the Federal Government in carrying out the purposes of this~~
5 ~~chapter or of any federal statutes pertaining to vocational rehabilitation and to this~~
6 ~~end may adopt such methods of administration as are found by the Federal~~
7 ~~Government to be necessary for the proper and efficient operation of such~~
8 ~~agreements, arrangements or plans for vocational rehabilitation; and~~
9 ~~(b) Comply with such conditions as may be necessary to secure benefits under~~
10 ~~those federal statutes.~~
11 ~~2. Upon designation by the Governor, in addition to those provided in~~
12 ~~subsection 1, the Department through the Bureau may perform functions and~~
13 ~~services for the Federal Government relating to persons under a physical or~~
14 ~~[mental] *intellectual* disability.] (Deleted by amendment.)~~

Section 115 of Senate Bill No. 338 is hereby amended as follows:

15 **Sec. 115.** ~~NRS 634A.170 is hereby amended to read as follows:~~
16 ~~634A.170 The Board may refuse to issue or may suspend or revoke any~~
17 ~~license for any one or any combination of the following causes:~~
18 ~~1. Conviction of:~~
19 ~~(a) A felony relating to the practice of Oriental medicine;~~
20 ~~(b) Any offense involving moral turpitude;~~
21 ~~(c) A violation of any state or federal law regulating the possession,~~
22 ~~distribution or use of any controlled substance, as shown by a certified copy of the~~
23 ~~record of the court; or~~
24 ~~(d) A violation of any of the provisions of NRS 616D.200, 616D.220,~~
25 ~~616D.240 or 616D.300 to 616D.440, inclusive;~~
26 ~~2. The obtaining of or any attempt to obtain a license or practice in the~~
27 ~~profession for money or any other thing of value, by fraudulent misrepresentations;~~
28 ~~3. Gross or repeated malpractice, which may be evidenced by claims of~~
29 ~~malpractice settled against a practitioner;~~
30 ~~4. Advertising by means of a knowingly false or deceptive statement;~~
31 ~~5. Advertising, practicing or attempting to practice under a name other than~~
32 ~~one's own;~~
33 ~~6. Habitual drunkenness or habitual addiction to the use of a controlled~~
34 ~~substance;~~
35 ~~7. Using any false, fraudulent or forged statement or document, or engaging~~
36 ~~in any fraudulent, deceitful, dishonest or immoral practice in connection with the~~
37 ~~licensing requirements of this chapter;~~
38 ~~8. Sustaining a physical or [mental] *intellectual* disability which renders~~
39 ~~further practice dangerous;~~
40 ~~9. Engaging in any dishonorable, unethical or unprofessional conduct which~~
41 ~~may deceive, defraud or harm the public, or which is unbecoming a person licensed~~
42 ~~to practice under this chapter;~~
43 ~~10. Using any false or fraudulent statement in connection with the practice of~~
44 ~~Oriental medicine or any branch thereof;~~
45 ~~11. Violating or attempting to violate, or assisting or abetting the violation of,~~
46 ~~or conspiring to violate any provision of this chapter;~~

~~12. Being adjudicated incompetent or insane;~~
~~13. Advertising in an unethical or unprofessional manner;~~
~~14. Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis, therapy or treatment;~~
~~15. Willful disclosure of a privileged communication;~~
~~16. Failure of a licensee to designate the nature of his or her practice in the professional use of his or her name by the term doctor of Oriental medicine;~~
~~17. Willful violation of the law relating to the health, safety or welfare of the public or of the regulations adopted by the State Board of Health;~~
~~18. Administering, dispensing or prescribing any controlled substance, except for the prevention, alleviation or cure of disease or for relief from suffering;~~
~~19. Performing, assisting or advising in the injection of any liquid silicone substance into the human body; and~~
~~20. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:~~
~~(a) The license of the facility is suspended or revoked; or~~
~~(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~
~~†† This subsection applies to an owner or other principal responsible for the operation of the facility.†† **(Deleted by amendment.)**~~

Section 116 of Senate Bill No. 338 is hereby amended as follows:

Sec. 116. ~~†NRS 645.210 is hereby amended to read as follows:~~
~~645.210 1. All deposits accepted by every real estate broker or person registered as an owner developer pursuant to this chapter, which are retained by him or her pending consummation or termination of the transaction involved, must be accounted for in the full amount at the time of the consummation or termination.~~
~~2. Every real estate salesperson or broker salesperson who receives any money on behalf of a broker or owner developer shall pay over the money promptly to the real estate broker or owner developer.~~
~~3. A real estate broker shall not commingle the money or other property of a client with his or her own.~~
~~4. If a real estate broker receives money, as a broker, which belongs to others, the real estate broker shall promptly deposit the money in a separate checking account located in a bank or credit union in this State which must be designated a trust account. All down payments, earnest money deposits, rents, or other money which the real estate broker receives, on behalf of a client or any other person, must be deposited in the account unless all persons who have any interest in the money have agreed otherwise in writing. A real estate broker may pay to any seller or the seller's authorized agent the whole or any portion of such special deposit. The real estate broker is personally responsible and liable for such deposit at all times. A real estate broker shall not permit any advance payment of money belonging to others to be deposited in the real estate broker's business or personal account or to be commingled with any money he or she may have on deposit.~~
~~5. Every real estate broker required to maintain a separate trust account shall keep records of all money deposited therein. The records must clearly indicate the date and from whom the real estate broker received money, the date deposited, the dates of withdrawals, and other pertinent information concerning the transaction, and must show clearly for whose account the money is deposited and to whom the money belongs. The real estate broker shall balance each separate trust account at~~

1 least monthly. The real estate broker shall provide to the Division, on a form
2 provided by the Division, an annual accounting which shows an annual
3 reconciliation of each separate trust account. All such records and money are
4 subject to inspection and audit by the Division and its authorized representatives.
5 All such separate trust accounts must designate the real estate broker as trustee and
6 provide for withdrawal of money without previous notice.

7 ~~6. Each real estate broker shall notify the Division of the names of the banks
8 and credit unions in which the real estate broker maintains trust accounts and
9 specify the names of the accounts on forms provided by the Division.~~

10 ~~7. If a real estate broker who has money in a trust account dies or becomes
11 [mentally] **intellectually** disabled, the Division, upon application to the district
12 court, may have a trustee appointed to administer and distribute the money in the
13 account with the approval of the court. The trustee may serve without posting a
14 bond.] **(Deleted by amendment.)**~~

Section 117 of Senate Bill No. 338 is hereby amended as follows:

15 **Sec. 117.** ~~[NRS 688C.270 is hereby amended to read as follows:~~

16 ~~688C.270 1. A viator may not enter into a viatical settlement within 5 years
17 after the issuance of the policy to which the settlement relates unless one or more of
18 the following conditions is or has been satisfied:~~

19 ~~(a) The policy was issued upon the owner's exercise of a right of conversion
20 arising out of a group policy if the total of the time covered under the policy plus
21 the time covered under the group policy is at least 60 months. The time covered
22 under the group policy must be calculated without regard to a change in insurance
23 carriers if the coverage has been continuous.~~

24 ~~(b) The viator or owner submits to the provider of viatical settlements
25 independent evidence that within the 5-year period:~~

26 ~~(1) The owner or insured has been diagnosed as terminally ill;~~

27 ~~(2) The owner or insured has been diagnosed as chronically ill or has an
28 illness or condition that is life threatening or requires a course of treatment for at
29 least 2 years, long term care or health care at home, or any combination of these;~~

30 ~~(3) The spouse of the owner or insured has died;~~

31 ~~(4) The owner or insured has divorced his or her spouse;~~

32 ~~(5) The owner or insured has retired from full time employment;~~

33 ~~(6) The owner or insured has become physically or [mentally]
34 **intellectually** disabled and a physician determines that the disability precludes the
35 owner or insured from maintaining full time employment;~~

36 ~~(7) A final judgment or order has been entered or issued by a court of
37 competent jurisdiction, on the application of a creditor or owner of the insured,
38 adjudging the owner or insured bankrupt or insolvent, or approving a petition for
39 reorganization of the owner or insured or appointing a receiver, trustee or liquidator
40 for all or a substantial part of the assets of the owner or insured; or~~

41 ~~(8) The owner of the policy experiences a significant decrease in income
42 which is unexpected by the owner and impairs the reasonable ability of the owner
43 to pay the premium on the policy.~~

44 ~~2. The independent evidence must be submitted to the insurer when the
45 provider of viatical settlements submits a request to the insurer to effect transfer of
46 the policy to the provider of viatical settlements. The insurer shall respond timely to
47 the request. This section does not prohibit an insurer from exercising its right to
48 contest a policy on the ground of fraud.~~

1 ~~2. If a provider of viatical settlements submits to an insurer a copy of the~~
2 ~~owner's or insured's certification that one of the events described in paragraph (b)~~
3 ~~of subsection 1 has occurred, the certification conclusively establishes that the~~
4 ~~viatical settlement is valid, and the insurer shall timely respond to the provider's~~
5 ~~request to effect a transfer of the policy.] (Deleted by amendment.)~~