Assembly called to order at 11:33 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Pastor Norm Milz.
Almighty God, we are here on this important day in the Legislature. After much soul-
searching and much discussion, we are at the deadline point of bills and action. Thank You for
Your guidance and leadership throughout this process.
With funding and budget concerns before us, give us a spirit of compromise, listening ears,
and open minds as we as a Chamber discuss and vote. May we always look for decisions that
will be best for the citizens of the great state. Many times, some of these decisions will not
match what we individually would want, but help us put those we represent ahead of ourselves
or our political position.
Thank You for placing Your presence here and guide us today in everything we do. All these
things we bring to You, in the glorious name of Your Son, Jesus.

Amen.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be
dispensed with and the Speaker and Chief Clerk be authorized to make the
necessary corrections and additions.
Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:
Your Committee on Legislative Operations and Elections, to which was referred Assembly
Bill No. 302, has had the same under consideration, and begs leave to report the same back with
the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, Chair
Mr. Speaker:
Your Committee on Taxation, to which was referred Assembly Bill No. 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.
Also, your Committee on Taxation, to which was referred Assembly Bill No. 412, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.
DEREK ARMSTRONG, Chair

MESSAGES FROM THE SENATE
SENATE CHAMBER, Carson City, April 20, 2015
To the Honorable the Assembly:
I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 427, 469.
Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 67, 137, 223, 241, 247, 248, 257, 285, 286, 305, 310, 373, 384, 394, 406, 481; Senate Joint Resolution No. 21.
SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES
Assemblyman Paul Anderson moved that all rules be suspended, reading so far had considered second reading, rules further suspended, and all Assembly bills and resolutions declared emergency measures under the Constitution and placed on third reading and final passage.
Motion carried.
Assemblyman Paul Anderson moved that the Assembly dispense with the reprinting of all Assembly bills and resolutions for this legislative day.
Motion carried.
Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.
Assembly in recess at 11:39 a.m.

ASSEMBLY IN SESSION
At 11:42 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES
NOTICE OF EXEMPTION
April 20, 2015
The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 328.
MARK KRMPOTIC
Fiscal Analysis Division
April 21, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 5.
Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 234 and 445.
Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 302.
Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 394.

Cindy Jones
Fiscal Analysis Division

Assemblyman Paul Anderson moved that Assembly Bills Nos. 4, 177, 191, 193, 292, and 312 be placed at the top of the General File.
Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 302, 380, and 412 be placed at the top of the General File.
Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 114, 239, and 386 be placed at the top of the General File for purposes of amendment.
Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 91, be taken from the Chief Clerk’s desk and placed at the top of the General File.
Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 5, 217, 218, 234, 280, 332, 359, 378, 394, and 445 be rereferred to the Committee on Ways and Means.
Motion carried.

Senate Joint Resolution No. 21.
Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Legislative Operations and Elections.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 67.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor. Motion carried.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor. Motion carried.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor. Motion carried.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor. Motion carried.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor. Motion carried.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor. Motion carried.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor. Motion carried.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor. Motion carried.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor. Motion carried.
Senate Bill No. 310.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 373.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 384.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 394.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 406.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 427.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 469.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 481.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 91.
Bill read third time.
Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:01 p.m.

ASSEMBLY IN SESSION

At 12:02 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 91 be placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 114.
Bill read third time.
The following amendment was proposed by Assemblywomen Shelton and Diaz:

Amendment No. 623.
AN ACT relating to restitution; providing that a judgment requiring the payment of restitution expires 10 years after the date on which the judgment is rendered; exempting such a judgment from the time limitation for commencing an action upon or seeking the renewal thereof until the judgment expires; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
Existing law provides that a judgment which, among other things, requires a defendant in a criminal action to pay restitution constitutes a lien which is enforceable as a judgment in a civil action. (NRS 176.275) Existing law also provides that an action upon a judgment or decree or for the renewal of such judgment or decree must be commenced within 6 years. (NRS 11.190) This bill: (1) provides that a judgment requiring a defendant in a criminal action or a parent or guardian of a child to pay restitution expires 10 years after the date on which the judgment is rendered; and (2) exempts such a judgment from the time limitation for commencing an action or seeking the renewal thereof until the judgment expires.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
Section 1. NRS 176.275 is hereby amended to read as follows:

176.275 1. A judgment which imposes a fine or administrative assessment or requires a defendant to pay restitution or repay the expenses of a defense constitutes a lien in like manner as a judgment for money rendered in a civil action.

2. A judgment which requires a defendant to pay restitution:
   (a) May be recorded, docketed and enforced as any other judgment for money rendered in a civil action.
   (b) Expires 10 years after the date on which the judgment is rendered.

3. An independent action to enforce a judgment which requires a defendant to pay restitution may be commenced at any time before the judgment expires.

Sec. 2. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:
   (a) Has fulfilled the conditions of probation for the entire period thereof;
   (b) Is recommended for earlier discharge by the Division; or
   (c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge and is enforceable pursuant to NRS 176.275.

3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:
   (a) Is free from the terms and conditions of probation.
   (b) Is immediately restored to the following civil rights:
       (1) The right to vote; and
       (2) The right to serve as a juror in a civil action.
   (c) Four years after the date of honorable discharge from probation, is restored to the right to hold office.
   (d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.
   (e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.
   (f) Must be informed of the provisions of this section and NRS 179.245 in the person’s probation papers.
   (g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.
(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, “establishment” has the meaning ascribed to it in NRS 463.0148.

(i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

 A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from probation;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;

(c) The date on which the person’s civil right to hold office will be restored pursuant to paragraph (c) of subsection 3; and

(d) The date on which the person’s civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and
whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person’s civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:
   (a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or
   (b) A court order restoring the person’s civil rights,

Sec. 3. NRS 176A.870 is hereby amended to read as follows:

Sec. 4. NRS 11.190 is hereby amended to read as follows:

Sec 4 11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:
   (a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.
   (b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:
   (a) An action on an open account for goods, wares and merchandise sold and delivered.
(b) An action for any article charged on an account in a store.
(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.
(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:
(a) An action upon a liability created by statute, other than a penalty or forfeiture.
(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.
(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term “livestock,” which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner’s fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.
(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.
(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:
(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.
(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.
(c) An action for libel, slander, assault, battery, false imprisonment or seduction.
(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 4.5. NRS 62B.420 is hereby amended to read as follows:

62B.420 1. Except as otherwise provided in this subsection, if, pursuant to this title, a child or a parent or guardian of a child is ordered by the juvenile court to pay a fine, administrative assessment, fee or restitution or to make any other payment and the fine, administrative assessment, fee, restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment, the juvenile court may enter a civil judgment against the child or the parent or guardian of the child for the amount due in favor of the victim, the state or local entity to whom the amount is owed or both. The juvenile court may not enter a civil judgment against a person who is a child unless the person has attained the age of 18 years, the person is a child who is determined to be outside the jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the person is a child who is certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.

2. Notwithstanding the termination of the jurisdiction of the juvenile court pursuant to NRS 62B.410 or the termination of any period of supervision or probation ordered by the juvenile court, the juvenile court retains jurisdiction over any civil judgment entered pursuant to subsection 1 and retains jurisdiction over the person against whom a civil judgment is entered pursuant to subsection 1. The juvenile court may supervise the civil judgment and take any of the actions authorized by the laws of this State.
3. A civil judgment entered pursuant to subsection 1 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. *A judgment which requires a parent or guardian of a child to pay restitution does not expire until the judgment expires 10 years after the date on which the judgment is rendered.* An independent action to enforce a judgment that requires a parent or guardian of a child to pay restitution may be commenced at any time before the judgment expires.

4. If the juvenile court enters a civil judgment pursuant to subsection 1, the person or persons against whom the judgment is issued is liable for a collection fee, to be imposed by the juvenile court at the time the civil judgment is issued, of:
   
   (a) Not more than $100, if the amount of the judgment is less than $2,000.
   (b) Not more than $500, if the amount of the judgment is $2,000 or greater, but is less than $5,000.
   (c) Ten percent of the amount of the judgment, if the amount of the judgment is $5,000 or greater.

5. In addition to attempting to collect the judgment through any other lawful means, a victim, a representative of the victim or a state or local entity that is responsible for collecting a civil judgment entered pursuant to subsection 1 may take any or all of the following actions:

   (a) Except as otherwise provided in this paragraph, report the judgment to reporting agencies that assemble or evaluate information concerning credit. If the judgment was entered against a person who was less than 21 years of age at the time the judgment was entered, the judgment cannot be reported pursuant to this paragraph until the person reaches 21 years of age.

   (b) Request that the juvenile court take appropriate action pursuant to subsection 6.

   (c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the judgment 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 4, in accordance with the provisions of the contract.

6. If the juvenile court determines that a child or the parent or guardian of a child against whom a civil judgment has been entered pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil judgment, the juvenile court may take any of the following actions:

   (a) Order the suspension of the driver’s license of a child for a period not to exceed 1 year. If the child is already the subject of a court order suspending the driver’s license of the child, the juvenile court may order the additional suspension to apply consecutively with the previous order. At the time the juvenile court issues an order suspending the driver’s license of a
child pursuant to this paragraph, the juvenile court shall require the child to surrender to the juvenile court all driver’s licenses then held by the child. The juvenile 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. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the driving record of a child, but such a suspension must not be considered for the purpose of rating or underwriting.

(b) If a child does not possess a driver’s license, prohibit the child from applying for a driver’s license for a period not to exceed 1 year. If the child is already the subject of a court order delaying the issuance of a license to drive, the juvenile court may order any additional delay in the ability of the child to apply for a driver’s license to apply consecutively with the previous order. At the time the juvenile court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver’s license, the juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order.

(c) If the civil judgment was issued for a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

(d) Enter a finding of contempt against a child or the parent or guardian of a child and punish the child or the parent or guardian for contempt in the manner provided in NRS 62E.040. A person who is indigent may not be punished for contempt pursuant to this subsection.

7. Money collected from a collection fee imposed pursuant to subsection 4 must be deposited and used in the manner set forth in subsection 4 of NRS 176.064.

8. If the juvenile court enters a civil judgment pursuant to subsection 1 and the person against whom the judgment is entered is convicted of a crime before he or she satisfies the civil judgment, the court sentencing the person for that crime shall include in the sentence the civil judgment or such portion of the civil judgment that remains unpaid.

Sec. 5. NRS 213.154 is hereby amended to read as follows:

213.154 1. The Division shall issue an honorable discharge to a parolee whose term of sentence has expired if the parolee has:

(a) Fulfilled the conditions of his or her parole for the entire period of his or her parole; or

(b) Demonstrated his or her fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court.

2. The Division shall issue a dishonorable discharge to a parolee whose term of sentence has expired if:
(a) The whereabouts of the parolee are unknown; (b) The parolee has failed to make full restitution as ordered by the court, without a verified showing of economic hardship; or (c) The parolee has otherwise failed to qualify for an honorable discharge pursuant to subsection 1.

3. Any amount of restitution that remains unpaid by a person after the person has been discharged from parole constitutes a civil liability as of the date of discharge and is enforceable pursuant to NRS 176.275.

Sec. 6. The amendatory provisions of this act apply to any judgment which requires a defendant to pay restitution which is rendered before, on or after October 1, 2015.

Assemblywoman Shelton moved the adoption of the amendment.
Remarks by Assemblywoman Shelton.

Assemblywoman Shelton: Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 239.
Bill read third time.

The following amendment was proposed by Assemblyman Elliot Anderson:

Amendment No. 640.
AN ACT relating to aircraft; regulating operators of unmanned aerial vehicles in this State; revising the definition of “aircraft” to include unmanned aerial vehicles; prohibiting the operation or use of an unmanned aerial vehicle under certain circumstances or for certain purposes; authorizing a law enforcement agency to operate an unmanned aerial vehicle at certain locations without a warrant under certain circumstances and for any other lawful purpose; prohibiting a law enforcement agency from operating an unmanned aerial vehicle without first obtaining a warrant under certain circumstances; authorizing a public agency to operate an unmanned aerial vehicle only under certain circumstances; requiring the Department of Public Safety, to the extent that money is available, to establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State; requiring the Department to report certain information to the Legislature with respect to the operation of unmanned aerial vehicles by public agencies in this State; requiring the Department to adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle in this State; providing certain criminal and civil penalties for the unlawful operation or use of an unmanned aerial vehicle in this State; and providing other matters properly relating thereto.
Legislative Counsel’s Digest:
Existing law provides for the regulation of aeronautics, including the operation of aircraft, in this State. (Title 44 of NRS) This bill revises the definition of “aircraft” to include unmanned aerial vehicles for the purpose of regulating unmanned aerial vehicles. This bill generally regulates the operators of unmanned aerial vehicles in this State in a manner similar to that of traditional aircraft by: (1) establishing the right to operate an unmanned aerial vehicle in this State, with certain exceptions; (2) clarifying that the provisions of this bill are not to be interpreted in a manner inconsistent with federal law or apply to unmanned aerial vehicles owned or operated by the Federal Government; (3) clarifying the applicability of state law to torts and crimes resulting from the operation of unmanned aerial vehicles; and (4) prohibiting a person from operating or using an unmanned aerial vehicle under certain circumstances or for certain purposes.

Section 18 of this bill prohibits a person from weaponizing an unmanned aerial vehicle. Section 18.5 of this bill prohibits a person from operating an unmanned aerial vehicle within a certain distance from critical facilities or an airport except under certain circumstances in which the person obtains the consent of the owner of a critical facility or the airport authority of an airport or authorization from the Federal Aviation Administration. Section 19 of this bill authorizes a person who owns or lawfully occupies real property to bring an action for trespass against the owner or operator of an unmanned aerial vehicle under certain circumstances and provides an exception to bringing such an action against an operator lawfully operating an unmanned aerial vehicle within the scope of a business or for the purposes of surveying land. Sections 20-22 of this bill prescribe certain restrictions on the operation and use of unmanned aerial vehicles by law enforcement agencies and public agencies. Section 20 specifically prohibits, with limited exceptions, a law enforcement agency from operating an unmanned aerial vehicle for the purpose of gathering evidence or other information at any location or upon any property in this State at which a person has a reasonable expectation of privacy without first obtaining a warrant. Section 20 authorizes a law enforcement agency to operate an unmanned aerial vehicle without a warrant: (1) if exigent circumstances exist and there is probable cause to believe that a person has committed, is committing or is about to commit a crime; (2) if a person consents in writing to the activity; (3) for the purpose of conducting search and rescue operations; (4) if the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including the threat of an act of terrorism; and (5) upon the declaration of a state of emergency or disaster by the Governor. Section 21 authorizes a public agency, other than a law enforcement agency, to operate an unmanned
aerial vehicle for certain public purposes as prescribed by regulations adopted by the Department of Public Safety if the public agency registers the unmanned aerial vehicle with the Department. **Sections 20 and 21** provide that any photograph, image, recording or other information acquired unlawfully by a law enforcement agency or public agency, or otherwise acquired in a manner inconsistent with **section 20**, and any evidence that is derived therefrom, is inadmissible in any judicial, administrative or other adjudicatory proceeding and may not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense. **Section 22** requires the Department, to the extent that money is available for this purpose, to establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State and requires the Department to adopt regulations prescribing the public purposes for which an agency may operate an unmanned aerial vehicle. **Section 22** further requires the Department to prepare and submit an annual report to the Legislature outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State. **Section 24.4** of this bill revises provisions relating to the liability of the operator of an aircraft, including an unmanned aerial vehicle, with respect to the operation of the aircraft over heavily populated areas or public gatherings. **Section 24.8** of this bill prohibits a person from operating an unmanned aerial vehicle while intoxicated or in a careless or reckless manner so as to endanger the life or property of another person.

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

Section 1. Chapter 493 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. (Deleted by amendment.)
Sec. 3. (Deleted by amendment.)
Sec. 4. (Deleted by amendment.)
Sec. 5. (Deleted by amendment.)
Sec. 6. (Deleted by amendment.)
Sec. 7. (Deleted by amendment.)
Sec. 8. (Deleted by amendment.)
Sec. 9. (Deleted by amendment.)
Sec. 10. (Deleted by amendment.)
Sec. 11. (Deleted by amendment.)
Sec. 12. (Deleted by amendment.)
Sec. 13. (Deleted by amendment.)
Sec. 14. (Deleted by amendment.)
Sec. 15. (Deleted by amendment.)
Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. 1. A person shall not weaponize an unmanned aerial vehicle or operate a weaponized unmanned aerial vehicle. A person who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who weaponizes an unmanned aerial vehicle in violation of subsection 1 and who discharges the weapon is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Sec. 18.5. 1. A person shall not operate an unmanned aerial vehicle within:

(a) A horizontal distance of 500 feet or a vertical distance of 250 feet from a critical facility without the written consent of the owner of the critical facility.

(b) Except as otherwise provided in subsection 2, 5 miles of an airport.

2. A person may operate an unmanned aerial vehicle within 5 miles of an airport only if the person obtains the consent of the airport authority or the operator of the airport, or if the person has otherwise obtained a waiver, exemption or other authorization for such operation pursuant to any rule or regulation of the Federal Aviation Administration. A person who is authorized to operate an unmanned aerial vehicle within 5 miles of an airport pursuant to this subsection shall, at all times during such operation, maintain on his or her person documentation of any waiver, exemption, authorization or consent permitting such operation.

3. A person who violates this section is guilty of a misdemeanor.

4. As used in this section, "airport" means any publicly owned airport that boards not fewer than 2,500 passengers per calendar year and that has a scheduled passenger service.

Sec. 19. 1. Except as otherwise provided in subsection 2, a person who owns or lawfully occupies real property in this State may bring an action for trespass against the owner or operator of an unmanned aerial vehicle that is flown at a height of less than 250 feet over the property if:

(a) The owner or operator of the unmanned aerial vehicle has flown the unmanned aerial vehicle over the property at a height of less than 250 feet on at least one previous occasion; and

(b) The person who owns or occupies the real property notified the owner or operator of the unmanned aerial vehicle that the person did not
authorize the flight of the unmanned aerial vehicle over the property at a height of less than 250 feet. For the purposes of this paragraph, a person may place the owner or operator of an unmanned aerial vehicle on notice in the manner prescribed in subsection 2 of NRS 207.200.

2. A person may not bring an action pursuant to subsection 1 if:
(a) The unmanned aerial vehicle is lawfully in the flight path for landing at an airport, airfield or runway.
(b) The unmanned aerial vehicle is in the process of taking off or landing.
(c) The unmanned aerial vehicle was under the lawful operation of a law enforcement agency in accordance with section 20 of this act.
(d) The unmanned aerial vehicle was under the lawful operation of a business licensed in this State or a land surveyor if:
(1) The operator is licensed or otherwise approved to operate the unmanned aerial vehicle by the Federal Aviation Administration;
(2) The unmanned aerial vehicle is being operated within the scope of the lawful activities of the business or surveyor; and
(3) The operation of the unmanned aerial vehicle does not unreasonably interfere with the existing use of the real property.

3. A plaintiff who prevails in an action for trespass brought pursuant to subsection 1 is entitled to recover treble damages for any injury to the person or the real property as the result of the trespass. In addition to the recovery of damages pursuant to this subsection, a plaintiff may be awarded reasonable attorney’s fees and costs and injunctive relief.

Sec. 20. 1. Except as otherwise provided in this section, nothing in this section shall be deemed to otherwise prohibit the operation of an unmanned aerial vehicle by a law enforcement agency for any lawful purpose in this State.

2. Except as otherwise provided in subsection 3, a law enforcement agency shall not operate an unmanned aerial vehicle for the purpose of gathering evidence or other information within the curtilage of a residence or at any other location or upon any property in this State at which a person has a reasonable expectation of privacy, unless the law enforcement agency first obtains a warrant from a court of competent jurisdiction authorizing the use of the unmanned aerial vehicle for that purpose. A warrant authorizing the use of an unmanned aerial vehicle must specify the period for which operation of the unmanned aerial vehicle is authorized. A warrant must not authorize the use of an unmanned aerial vehicle for a period of more than 10 days. Upon motion and a showing of probable cause, a court may renew a warrant after the expiration of the period for which the warrant was initially issued.
3. A law enforcement agency may operate an unmanned aerial vehicle without obtaining a warrant issued pursuant to subsection 2:
   (a) If the law enforcement agency has probable cause to believe that a person has committed a crime, is committing a crime or is about to commit a crime, and exigent circumstances exist that make it unreasonable for the law enforcement agency to obtain a warrant authorizing the use of the unmanned aerial vehicle.
   (b) If a person provides written consent to the law enforcement agency authorizing the law enforcement agency to acquire information about the person or the real or personal property of the person. The written consent must specify the information to be gathered and the time, place and manner in which the information is to be gathered by the law enforcement agency.
   (c) For the purpose of conducting search and rescue operations for persons and property in distress.
   (d) Under circumstances in which the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including, without limitation, the threat of an act of terrorism. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall document the factual basis for its belief that such an imminent threat exists and shall, not later than 2 business days after initiating operation, file a sworn statement with a court of competent jurisdiction describing the nature of the imminent threat and the need for the operation of the unmanned aerial vehicle.
   (e) Upon the declaration of a state of emergency or disaster by the Governor. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall not use the unmanned aerial vehicle outside of the geographic area specified in the declaration or for any purpose other than the preservation of public safety, the protection of property, or the assessment and evaluation of environmental or weather-related damage, erosion or contamination.

4. Any photograph, image, recording or other information that is acquired by a law enforcement agency through the operation of an unmanned aerial vehicle in violation of this section, or that is acquired from any other person or governmental entity, including, without limitation, a public agency and any department or agency of the Federal Government, that obtained the photograph, image, recording or other information in a manner inconsistent with the requirements of this section, and any evidence that is derived therefrom:
   (a) Is not admissible in and must not be disclosed in a judicial, administrative or other adjudicatory proceeding; and
(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

Sec. 21. 1. A public agency:
(a) May operate an unmanned aerial vehicle only if:
(1) Before the operation of the unmanned aerial vehicle, the public agency registers the unmanned aerial vehicle with the Department pursuant to subsection 2 of section 22 of this act.
(2) The public agency operates the unmanned aerial vehicle in accordance with the regulations adopted by the Department pursuant to subsection 4 of section 22 of this act.
(b) Must not operate an unmanned aerial vehicle for the purposes of assisting a law enforcement agency with law enforcement or conducting a criminal prosecution.

2. Any photograph, image, recording or other information that is acquired by a public agency through the operation of an unmanned aerial vehicle in violation of this section, and any evidence that is derived therefrom:
(a) Is not admissible in, and must not be disclosed in, a judicial, administrative or other adjudicatory proceeding; and
(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

Sec. 22. 1. The Department shall, to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.
2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:
(a) The name of the public agency;
(b) The name and contact information of each operator of the unmanned aerial vehicle;
(c) Sufficient information to identify the unmanned aerial vehicle; and
(d) A statement describing the use of the unmanned aerial vehicle by the public agency.
3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State.
4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle that is registered with the Department pursuant to this section, including, without limitation:
   (a) The provision of fire services.
   (b) The provision of emergency medical services.
   (c) The protection of a critical facility that is public property.
   (d) Search and rescue operations conducted for persons and property in distress.

Sec. 22.5. NRS 493.010 is hereby amended to read as follows:

493.010 NRS 493.010 to 493.120, inclusive, and sections 18 to 22, inclusive, of this act may be cited as the Uniform State Law for Aeronautics.

Sec. 23. NRS 493.020 is hereby amended to read as follows:

493.020 As used in NRS 493.010 to 493.120, inclusive, and sections 18 to 22, inclusive, of this act, unless the context otherwise requires:

1. “Aircraft” includes a balloon, airplane, hydroplane, unmanned aerial vehicle and any other vehicle used for navigation through the air. A hydroplane, while at rest on water and while being operated on or immediately above water, is governed by the rules regarding water navigation. A hydroplane while being operated through the air other than immediately above water, is an aircraft.

2. “Critical facility” means a petroleum refinery, a petroleum or chemical production, transportation, storage or processing facility, a chemical manufacturing facility, a pipeline and any appurtenance thereto, a water treatment facility, a mine as that term is defined in subsection 5 of NRS 512.006, a power generating station, plant or substation and any appurtenances thereto, any transmission line that is owned in whole or in part by an electric utility as that term is defined in subsection 5 of NRS 704.187, a county, city or town jail or detention facility and any prison, facility or institution under the control of the Department of Corrections.

3. “Department” means the Department of Public Safety.

4. “Law enforcement agency” means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State, the primary duty of which is to enforce the law.

5. “Operator” includes aviator, pilot, balloonist and any other person having any part in the operation of aircraft while in flight.

6. “Passenger” includes any person riding in an aircraft, but having no part in its operation.

7. “Public agency” means an agency, office, bureau, board, commission, department or division of this State other than a law enforcement agency.
8. “Unmanned aerial vehicle” means a powered aircraft of any size without a human operator aboard the vehicle and that is operated remotely or autonomously.

Sec. 24. (Deleted by amendment.)

Sec. 24.2. NRS 493.050 is hereby amended to read as follows:

493.050 1. Flight of an aircraft over the lands and waters of this state is lawful:
   (a) Unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner.
   (b) Unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath.
   (c) Unless specifically prohibited by the provisions of NRS 493.010 to 493.120, inclusive, and sections 18 to 22, inclusive, of this act, or any regulations adopted pursuant thereto.

2. The landing of an aircraft on the lands or waters of another, without his or her consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, the owner, lessee or operator of the aircraft is liable as provided in NRS 493.060.

Sec. 24.4. NRS 493.100 is hereby amended to read as follows:

493.100 1. Any operator or passenger, while an aircraft is in flight over a heavily populated area or over a public gathering within this state, who:
   (a) Except as otherwise provided in subsection 2, engages in trick or acrobatic flying, or in any acrobatic feat;
   (b) Except while in landing or taking off, flies at such a low level as to endanger the persons on the surface beneath; or
   (c) Drops any object except loose water or loose sand ballast, with reckless disregard for the safety of other persons and willful indifference to injuries that could reasonably result from dropping the object, is guilty of a misdemeanor.

2. The provisions of paragraph (a) of subsection 1 do not apply to the operator of an unmanned aerial vehicle in a park unless the operator is operating the unmanned aerial vehicle with reckless disregard for the safety of other persons and with willful indifference to injuries that could reasonably result from such operation.

Sec. 24.6. NRS 493.120 is hereby amended to read as follows:

493.120 NRS 493.010 to 493.120, inclusive, and sections 18 to 22, inclusive, of this act shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states which enact them, and to harmonize, as far as possible, with federal laws and regulations
on the subject of aeronautics. They shall not be interpreted or construed to apply in any manner to aircraft owned and operated by the Federal Government.

Sec. 24.8. NRS 493.130 is hereby amended to read as follows:

493.130 1. Any person operating an aircraft in the air, or on the ground or water:
   \( \downarrow \) 1) While under the influence of intoxicating liquor or a controlled substance, unless in accordance with a lawfully issued prescription; or
   \( \downarrow \) 2) In a careless or reckless manner so as to endanger the life or property of another,
   is guilty of a gross misdemeanor.

2. As used in this section:
   (a) “Aircraft” includes an unmanned aerial vehicle as that term is defined in subsection 8 of NRS 493.020.
   (b) “Controlled substance” has the meaning ascribed to it in 21 U.S.C. § 802(6).
   (c) “Prescription” has the meaning ascribed to it in NRS 453.128.

Sec. 25. 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. 26. This act becomes effective:
1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and
2. On October 1, 2015, for all other purposes.

Assemblyman Elliot Anderson moved the adoption of the amendment. Remarks by Assemblyman Elliot Anderson.

Assemblyman Elliot Anderson: remark
(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 386.
Bill read third time.
The following amendment was proposed by Assemblyman Flores:
Amendment No. 641.
AN ACT relating to real property; establishing supplemental procedures for the retaking of a dwelling subject to housebreaking or unlawful entry; establishing procedures for the retaking of a dwelling subject to forcible entry or forcible detainer; revising provisions relating to unlawful detainer;
revising the procedures for removing a tenant who is guilty of an unlawful detainer; establishing the criminal offenses of housebreaking, unlawful entry and unlawful reentry; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**
Existing law sets forth procedures for the removal of a person who is guilty of forcible entry, forcible detainer or unlawful detainer. (NRS 40.230, 40.240, 40.280-40.420) Section 23 of this bill revises provisions governing the service of a notice to surrender by: (1) providing for different posting and mailing requirements; (2) eliminating the requirement that a witness be present for service if notice is served by a sheriff, constable or licensed process server; and (3) revising the contents of proof of service that must be filed with a court.

Existing law authorizes and sets forth a summary procedure for eviction of a tenant of certain types of properties who is guilty of unlawful detainer for: (1) continuing in possession of real property after the expiration of a specific term; (2) continuing in possession after expiration of a notice to surrender; (3) waste, nuisance, violation of certain lease terms and committing certain unlawful activities; and (4) failure to perform lease or agreement conditions or covenants. (NRS 40.254) Section 20 of this bill revises this summary procedure as it relates to the contents of certain notices served upon a tenant and the commencement and conduct of court proceedings in contested cases.

Existing law provides that a tenant’s neglect or failure to perform any condition or covenant of the lease or agreement under which property is held constitutes unlawful detainer and warrants the commencement of proceedings to remove the tenant. (NRS 40.2516) Section 17 of this bill revises the types of property to which these provisions apply and specifies the regular and summary procedures, if applicable, by which a landlord may remove a tenant from the property.

Existing law describes conduct which constitutes forcible entry and forcible detainer. (NRS 40.230, 40.240) Sections 11 and 12 of this bill revise the definitions of “forcible entry” and “forcible detainer,” establish requirements relating to a notice to surrender that must be served upon a person who commits forcible entry or forcible detainer and authorize the entry of judgment for three times the amount of actual damages for such offenses under certain circumstances. Section 2 of this bill establishes a procedure by which an owner of a dwelling that is the object of a housebreaking or unlawful occupancy may retake possession of and change the locks on the dwelling. Section 4 of this bill establishes a procedure by which an occupant who has been locked out of a dwelling may seek to recover possession of the dwelling.
Sections 45-48 of this bill set forth the acts which constitute the criminal offenses of housebreaking, unlawful occupancy and unlawful reentry and the penalties that attach upon conviction. Section 3 of this bill establishes a procedure by which the owner of a dwelling that was subject to forcible entry or forcible detainer may seek to recover possession of the dwelling.

Section 56 of this bill repeals a provision that authorizes treble damages in a recovery for a forcible or unlawful entry to certain types of real property.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. 1. Except as otherwise provided in subsection 4, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, this section and sections 3 and 4 of this act, when all known unlawful or unauthorized adult occupants of a dwelling have been arrested for housebreaking or unlawful occupancy and all minor occupants are taken into the custody of the State, the owner of the dwelling may retake possession and change the locks on the dwelling.

2. At the time an owner of a dwelling retakes possession or changes the locks of a dwelling pursuant to subsection 1, the owner or an authorized representative of the owner shall post a written notice on the dwelling. The notice must:
   (a) Identify the address of the dwelling;
   (b) Identify the court that has jurisdiction over any matter relating to the dwelling;
   (c) Identify the date on which the owner took possession of the dwelling pursuant to subsection 1 or changed the locks; and
   (d) Advise the unlawful or unauthorized occupant that:
      (1) One or more locks on the dwelling have been changed as the result of an arrest for housebreaking or unlawful occupancy.
      (2) The unlawful or unauthorized occupant has the right to contest the matter by filing a verified complaint for reentry with the court within 21 calendar days after the date indicated in paragraph (c). The complaint must be served upon the owner of the dwelling or the authorized representative of the owner at the address provided to the court with the filing of the written notice pursuant to subsection 3.
      (3) Reentry of the property without a court order is a criminal offense, punishable by up to 4 years in prison.
      (4) Except as otherwise provided in this subparagraph, the owner of the dwelling shall provide safe storage of any personal property which remains on the property. The owner may dispose of any personal property
which remains on the property after 21 calendar days from the date indicated in paragraph (c) unless within that time the owner receives an affidavit or notice of hearing pursuant to section 3 of this act. The unlawful or unauthorized occupant may recover his or her personal property by filing an affidavit with the court pursuant to section 3 of this act within 21 calendar days after the date indicated in paragraph (c). The owner is entitled to payment of the reasonable and actual costs of inventory, moving and storage before releasing the personal property to the occupant.

3. The notice posted pursuant to subsection 2 must remain posted on the dwelling for not less than 21 calendar days. A copy of the notice must be filed with the court not later than 1 day after any locks are changed on the dwelling and must be accompanied by a statement which includes an address for service of any documents on the owner of the dwelling or an authorized representative of the owner.

4. This section does not apply if one or more unlawful or unauthorized occupants is occupying the dwelling.

5. As used in this section:
   (a) “Housebreaking” has the meaning ascribed to it in section 46 of this act.
   (b) “Unlawful entry” has the meaning ascribed to it in section 48 of this act.

Sec. 3. 1. In addition to the remedy provided in NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, when a person who is guilty of forcible entry or forcible detainer fails, after the expiration of a written notice to surrender which was served pursuant to NRS 40.230 or 40.240, to surrender the real property to the owner of the real property or the occupant who is authorized by the owner to be in possession of the real property, the owner or occupant who is authorized by the owner may seek to recover possession of the real property pursuant to this section.

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall serve the notice to surrender on the unlawful or unauthorized occupant in accordance with the provisions of NRS 40.280.

3. In addition to the requirements set forth in subsection 2 of NRS 40.230 and subsection 2 of NRS 40.240, a written notice to surrender must:
   (a) Identify the court that has jurisdiction over the matter.
   (b) Advise the unlawful or unauthorized occupant:
      (1) Of his or her right to contest the matter by filing, before the court’s close of business on the fourth judicial day following service of the notice of surrender, an affidavit with the court that has jurisdiction over
the matter stating the reasons why the unlawful or unauthorized occupant is not guilty of a forcible entry or forcible detainer.

(2) That if the court determines that the unlawful or unauthorized occupant is guilty of a forcible entry or forcible detainer, the court may issue a summary order for removal of the unlawful or unauthorized occupant or an order providing for the nonadmittance of the unlawful or unauthorized occupant, directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff’s or constable’s receipt of the order from the court.

(3) That, except as otherwise provided in this subparagraph, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner of the real property to be in possession of the real property shall provide safe storage of any personal property of the unlawful or unauthorized occupant which remains on the property. The owner, an authorized representative of the owner or occupant may dispose of any personal property of the unlawful or unauthorized occupant remaining on the real property after 14 calendar days from the execution of an order for removal of the unlawful or unauthorized occupant or the compliance of the unlawful or unauthorized occupant with the notice to surrender, whichever comes first. The unlawful or unauthorized occupant must pay the owner, authorized representative of the owner or occupant for the reasonable and actual costs of inventory, moving and storage of the personal property before the personal property will be released to the unlawful or unauthorized occupant.

4. Upon service of the written notice to surrender pursuant to subsection 3, the unlawful or unauthorized occupant shall:

(a) Before the expiration of the notice, surrender the real property to the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property, in which case an affidavit of complaint may not be filed pursuant to subsection 5 and a summary order for removal may not be issued pursuant to subsection 6;

(b) Request that the court stay the execution of a summary order for removal, stating the reasons why such a stay is warranted; or

(c) Contest the matter by filing, before the court’s close of business on the fourth judicial day following service of the notice to surrender, an affidavit with the court that has jurisdiction over the matter stating the reasons that the unlawful or unauthorized occupant is not guilty of a forcible entry or forcible detainer. A file-stamped copy of the affidavit must be served by mail upon the issuer of the notice to surrender.

5. Upon expiration of the written notice to surrender, the owner of the real property, an authorized representative of the owner or the occupant
who is authorized by the owner to be in possession of the real property may apply by affidavit of complaint for eviction to the justice court of the township in which the real property is located or the district court of the county in which the real property is located, whichever has jurisdiction over the matter. The affidavit of complaint for eviction must state or contain:

(a) The date on which the unlawful or unauthorized occupant forcibly entered or detained the real property or the date on which the applicant first became aware of the forcible entry or forcible detainer.

(b) A summary of the specific facts detailing how the alleged forcible entry or forcible detainer was or is being committed.

(c) A copy of the written notice to surrender that was served on the unlawful or unauthorized occupant.

(d) Proof of service of the written notice to surrender in compliance with NRS 40.280.

6. Upon the filing of the affidavit of complaint by the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to subsection 5, the justice court or the district court, as applicable, shall determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If:

(a) The unlawful or unauthorized occupant has failed to timely file an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that sufficient evidence has been set forth in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer has been committed by the unlawful or unauthorized occupant, the court must issue an order directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff’s or constable’s receipt of the order from the court.

(b) The unlawful or unauthorized occupant has timely filed an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that the affidavit fails to raise an element of a legal defense regarding the alleged forcible entry or forcible detainer, the court may rule on the matter without a hearing. If the court determines that sufficient evidence has been set forth in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer has been committed by the unlawful or unauthorized occupant, the court must issue an order directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff’s or constable’s receipt of the order from the court, unless the court has stayed the execution of the order pursuant to a request pursuant to paragraph (b) of subsection 4.
(c) The unlawful or unauthorized occupant has timely filed an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that the affidavit raises an element of a legal defense regarding the alleged forcible entry or forcible detainer, the court must require the parties to appear at a hearing to determine the truthfulness and sufficiency of the evidence set forth in any affidavit. Such a hearing must be held within 7 judicial days after the filing of the affidavit of complaint.

(d) Upon review of the affidavits of any party or upon hearing, the court determines that:

1. There is a legal defense as to the alleged forcible entry or forcible detainer, the court must refuse to grant either party any relief and, except as otherwise provided in this subsection, must require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

2. The unlawful or unauthorized occupant gained entry or possession of the real property peaceably and as a result of an invalid lease, fraudulent act or misrepresentation by a person without the authority of the owner of the real property, the court may issue a summary order for the removal of the unlawful or unauthorized occupant but also may, within the discretion of the court, stay such order for a period sufficient to allow the unlawful or unauthorized occupant to vacate and remove his or her personal property. This period may not exceed 20 days.

7. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may, without incurring any civil or criminal liability, dispose of personal property abandoned on the real property by an unlawful or unauthorized occupant who is ordered removed by this section in the following manner:

(a) The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall reasonably provide for the safe storage of the abandoned personal property for 21 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first, and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the abandoned personal property to the unlawful or unauthorized occupant or his or her authorized representative rightfully claiming the property within that period. The owner or the occupant is liable to the unlawful or unauthorized occupant only for negligent or wrongful acts in storing the abandoned personal property.
(b) After the expiration of the 21-day period, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may dispose of the abandoned personal property and recover his or her reasonable costs out of the personal property or the value thereof.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

(d) Any dispute relating to the amount of the costs claimed by the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to paragraph (a) may be resolved by the court pursuant to a motion filed by the unlawful or unauthorized occupant and the payment of the appropriate fees relating to the filing and service of the motion. The motion must be filed within 14 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first. Upon the filing of a motion by the unlawful or unauthorized occupant pursuant to this paragraph, the court shall schedule a hearing on the motion. The hearing must be held within 10 judicial days after the filing of the motion. The court shall affix the date of the hearing to the motion and mail a copy to the owner, an authorized representative of the owner or the occupant at the address on file with the court.

Sec. 4. 1. If the owner of a dwelling or an authorized representative of the owner locks an occupant out of the dwelling pursuant to section 2 of this act, the occupant may recover possession of the dwelling as provided in this section.

2. The occupant must file with the justice court of the township in which the dwelling is located a verified complaint for reentry, specifying:

(a) The facts of the lockout by the owner of the dwelling or the authorized representative of the owner; and

(b) The legal basis upon which reentry into the dwelling is warranted.

3. The court shall, after notice to both parties, hold a trial on the occupant’s verified complaint for reentry not later than 10 judicial days after the date on which the occupant files the verified complaint for reentry.

4. If the court finds that an unjustified lockout has occurred, the court must issue a writ of restitution, restoring possession of the dwelling to the occupant.

5. A party may appeal from the court’s judgment at the trial on the verified complaint for reentry in the same manner as a party may appeal a judgment in an action for forcible detainer.
6. If the owner of the dwelling or the person on whom a writ of restitution is served fails to immediately comply with the writ or later disobeys the writ, the failure is grounds for contempt of court against the owner or the person on whom the writ was served, under chapter 22 of NRS.

7. This section does not affect:
   (a) The right of any party to pursue a separate cause of action under this chapter or chapter 118A of NRS if the court finds that a landlord and tenant relationship exists between the parties; or
   (b) The rights of an owner or occupant in a forcible detainer, unlawful detainer or forcible entry and detainer action.

Sec. 5. (Deleted by amendment.)
Sec. 6. (Deleted by amendment.)
Sec. 7. (Deleted by amendment.)
Sec. 8. (Deleted by amendment.)
Sec. 9. NRS 40.215 is hereby amended to read as follows:

40.215 As used in NRS 40.215 to 40.425, inclusive, and sections 2 to 7, inclusive, of this act, unless the context requires otherwise:
   1. “Dwelling” or “dwelling unit” means a structure or part thereof that is occupied, or designed or intended for occupancy, as a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.
   2. “Landlord’s agent” means a person who is hired or authorized by the landlord or owner of real property to manage the property or dwelling unit, to enter into a rental agreement on behalf of the landlord or owner of the property or who serves as a person within this State who is authorized to act for and on behalf of the landlord or owner for the purposes of service of process or receiving notices and demands. A landlord’s agent may also include a successor landlord or a property manager as defined in NRS 645.0195.
   3. “Mobile home” means every vehicle, including equipment, which is constructed, reconstructed or added to in such a way as to have an enclosed room or addition occupied by one or more persons as a dwelling or sleeping place and which has no foundation other than wheels, jacks, skirting or other temporary support.
   4. “Mobile home lot” means a portion of land within a mobile home park which is rented or held out for rent to accommodate a mobile home.
   5. “Mobile home park” or “park” means an area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. “Mobile home park” or “park” does not include those areas or tracts of land, whether within or outside of a park, where the lots are held out for rent on a nightly basis.
6. “Premises” includes a mobile home.
7. “Recreational vehicle” means a vehicular structure primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled or mounted upon or drawn by a motor vehicle.
8. “Recreational vehicle lot” means a portion of land within a recreational vehicle park, or a portion of land so designated within a mobile home park, which is rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.
9. “Recreational vehicle park” means an area or tract of land where lots are rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.
10. “Short-term tenancy” means a tenancy in which rent is reserved by a period of 1 week and the tenancy has not continued for more than 45 days.

Sec. 10. NRS 40.220 is hereby amended to read as follows:

40.220  No entry shall be made upon or into any lands, tenements real property or other possessions but in cases where entry is given by law; and in such cases, only in a peaceable manner, not with strong hand nor with multitude of people.

Sec. 11. NRS 40.230 is hereby amended to read as follows:

40.230  1. Every person is guilty of a forcible entry who either:
   (a) By breaking open doors, windows or other parts of a house, or by fraud, intimidation or stealth, or by unlawfully enters any real property:
   (b) By any kind of violence or circumstance of terror enters upon or into any; and
   (c) Peaceably or otherwise and:
      (1) Thereafter prevents the owner of the real property from access or occupancy of the property by changing a lock; or
      (2) Turns out by force, threats of violence or menacing conduct, the owner of the real property or an occupant who is authorized by the owner to be in possession of the real property.

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may seek to recover possession of the property pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, after the expiration of the notice to surrender served by the owner, authorized representative of the owner or authorized occupant upon the person who committed the forcible entry. The notice must:
   (a) Inform the person who committed the forcible entry that he or she is guilty of forcible entry; and
(b) Afford the person who committed the forcible entry 4 judicial days to surrender the property.

3. If an owner of real property or an authorized representative of the owner recovers damages for a forcible entry, judgment may be entered for three times the amount at which the actual damages are assessed. As used in this section, “actual damages” means damages to real property and personal property.

Sec. 12. NRS 40.240 is hereby amended to read as follows:

40.240 1. Every person is guilty of a forcible detainer who either:

1. Unlawfully holds and keeps the possession of any real property by force or by menace or threats of violence, or unlawfully holds and keeps the possession of any real property, or whether the same possession was acquired peaceably or otherwise; or

2. Who, in the nighttime, or during the absence of the occupant of

(b) Enters any real property, unlawfully enters thereon, without the authority of the owner of the property, an authorized representative of the owner or an occupant who is authorized by the owner to be in possession of the real property and who, after receiving written notice to surrender thereof, refuses for a period of 3 days pursuant to subsection 2, fails to surrender the same to such former occupant. The occupant of real property within the meaning of this subsection is one who, within 5 days preceding such unlawful entry, was in the peaceable and undisputed possession of such lands.

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may seek to recover possession of the property pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, after the expiration of the notice to surrender served by the owner or authorized occupant upon the person who committed the forcible detainer.

The notice must:

(a) Inform the person who committed the forcible detainer that he or she is guilty of a forcible detainer; and

(b) Afford the person who committed the forcible detainer 4 judicial days to surrender the property.

3. If an owner of real property or an authorized representative of the owner recovers damages for a forcible detainer, judgment may be entered for three times the amount at which the actual damages are assessed. As used in this section, “actual damages” means damages to real property and personal property.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)
Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 40.2516 is hereby amended to read as follows:

40.2516 1. A tenant of real property, a dwelling unit, a recreational vehicle or a mobile home other than a mobile home lot or a recreational vehicle lot for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the real property, dwelling unit, recreational vehicle or mobile home is held, other than those mentioned in NRS 40.250 to 40.252, inclusive, and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the real property, dwelling unit, recreational vehicle or mobile home, served upon the tenant, and, if there is a subtenant in actual occupation of the premises, also upon the subtenant, remains uncomplied with for 5 days after the service thereof. Within 5 days after the service, the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.

2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 40.254 is hereby amended to read as follows:

40.254 1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.251 and in NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act when the tenant of a dwelling unit, which is subject to the provisions of chapter 118A of NRS, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord is entitled to, or the landlord’s agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that:

1. Written notice to surrender the premises must:
   (a) Be given to the tenant in accordance with the provisions of NRS 40.280;
   (b) Advise the tenant of the court that has jurisdiction over the matter; and
(c) Advise the tenant of the tenant’s right to [contest]:

(1) Contest the notice by filing within 5 days before the court’s close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or

(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord’s agent submitted to the justice court or the district court must state or contain:

(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement.

(b) If the rental agreement has been lost or destroyed, the landlord or the landlord’s agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.

(c) The date when written notice to surrender was given to the tenant.

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant’s violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney’s fees incurred by the landlord or the landlord’s agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Sec. 21. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2 and 7, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to quit has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act:
(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;
(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;
(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or
(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:
   (a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and
   (b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

3. During the notice period described in subsection 2:
   (a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and
   (b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

4. The notice described in subsection 2 must contain a statement:
   (a) Providing the contact information of the new owner to whom rent should be remitted;
   (b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the
property continues in effect through the notice period described in subsection 2; and
(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.

5. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 2.

6. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:
(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 2 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee’s sale; or
(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee’s sale from:
(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or
(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 2.

7. This section does not apply to the tenant of a mobile home lot in a mobile home park.

8. As used in this section, “residential foreclosure” means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, “single family residence” means a structure that is comprised of not more than four units.

Sec. 22. NRS 40.260 is hereby amended to read as follows:
40.260 In all cases of tenancy upon agricultural land where the tenant has held over and retained possession for more than 60 days after the expiration of the tenant’s term, without any demand of possession or notice to surrender by the landlord, or the successor in estate of the landlord, if any there be, the tenant shall be deemed to be holding by permission of the landlord, or the successor in the estate of the landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during the year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of the tenant to hold for another year.
Sec. 23. NRS 40.280 is hereby amended to read as follows:

40.280  1. Except as otherwise provided in NRS 40.253, the notices required by NRS 40.251 to 40.260, inclusive, must be served:

(a) By delivering a copy to the tenant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the tenant is absent from the tenant’s place of residence or from the tenant’s usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant’s place of residence or place of business.

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230 and 40.240 and section 3 of this act must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to “Current Occupant.”

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to “Current Occupant.”

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to subsection 5 of NRS 40.253, a landlord shall file with the court a proof of service of any notice required by that section. Before a person may be
removed as prescribed in NRS 40.290 to 40.420, inclusive, a landlord shall file with the court proof of service of any notice required pursuant to NRS 40.255. Except as otherwise provided in subsection 4, this proof must consist of:

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to section 3 of this act; or
(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

5. Proof of service of an order or writ filed pursuant to subsection 4 must consist of:
   (a) Except as otherwise provided in paragraphs (b) and (c):
      (1) If the notice was served pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.
      (2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1 or paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.
   (b) The endorsement of:
      (1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord’s agent; or
      (2) The endorsement of a sheriff or constable stating the:

(c) For a short-term tenancy, if service of the notice was not delivered in person to a tenant whose rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, proof of service must include:
   (a) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord’s agent; or
   (b) The endorsement of a sheriff or constable stating the:
(I) Time and date the request for service was made by the landlord or the landlord's agent;
(II) Time, date and manner of the service; and
(III) Fees paid for the service.

Sec. 24. NRS 40.330 is hereby amended to read as follows:

40.330 When, upon the trial of any proceeding under NRS 40.220 to 40.420, inclusive, and sections 2 to 7, inclusive, of this act, it appears from the evidence that the defendant has been guilty of either a forcible entry or forcible or unlawful detainer, and other than the offense charged in the complaint, the judge must order that such complaint be forthwith amended to conform to such proofs. Such amendment must be without any imposition of terms. No continuance must be permitted upon account of such amendment, unless the defendant, by affidavit filed, shows to the satisfaction of the court good cause therefor.

Sec. 25. NRS 40.340 is hereby amended to read as follows:

40.340 The court or justice of the peace may for good cause shown adjourn the trial of any cause under NRS 40.220 to 40.420, inclusive, and sections 2 to 7, inclusive, of this act not exceeding 5 days; and when the defendant, or the defendant’s agent or attorney, shall make oath that the defendant cannot safely proceed to trial for want of some material witness, naming that witness, stating the evidence that the defendant expects to obtain, showing that the defendant has used due diligence to obtain such witness and believes that if an adjournment be allowed the defendant will be able to procure the attendance of such witness, or the witness’s deposition, in time to produce the same upon the trial, in which case, if such person or persons will give bond, with one or more sufficient sureties, conditioned to pay the plaintiff for all rent that may accrue during the pending of such suit, and all costs and damages consequent upon such adjournment, the court or justice of the peace shall adjourn the cause for such reasonable time as may appear necessary, not exceeding 30 days.

Sec. 26. NRS 40.350 is hereby amended to read as follows:

40.350 If the plaintiff admit that the evidence stated in the affidavit mentioned in NRS 40.340 would be given by such witness, and agree that it be considered as actually given on the trial, or offered and overruled as improper, the trial shall not be adjourned.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 40.390 is hereby amended to read as follows:

40.390 In all cases of appeal under NRS 40.220 to 40.420, inclusive, and sections 2 to 7, inclusive, of this act, the appellate court shall not dismiss or quash the proceedings for want of form, provided the proceedings have been conducted substantially according to the provisions of NRS 40.220 to 40.420,
inclusive; and sections 2 to 7, inclusive, of this act, and amendments to the complaint, answer or summons, in matters of form only, may be allowed by the court at any time before final judgment upon such terms as may be just; and all matters of excuse, justification or avoidance of the allegations in the complaint may be given in evidence under the answer.

Sec. 29. NRS 40.400 is hereby amended to read as follows:

40.400 The provisions of NRS, Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure and Nevada Rules of Appellate Procedure relative to civil actions, appeals and new trials, so far as they are not inconsistent with the provisions of NRS 40.220 to 40.420, inclusive, and sections 2 to 7, inclusive, of this act, apply to the proceedings mentioned in those sections.

Sec. 30. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

<table>
<thead>
<tr>
<th>Sum Claimed</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,500 or less</td>
<td>$50.00</td>
</tr>
<tr>
<td>$2,501 to $5,000</td>
<td>$100.00</td>
</tr>
<tr>
<td>$5,001 to $10,000</td>
<td>$175.00</td>
</tr>
<tr>
<td>In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act in which a notice to surrender has been served pursuant to NRS 40.255</td>
<td>$225.00</td>
</tr>
<tr>
<td>In all other civil actions</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

<table>
<thead>
<tr>
<th>Sum Claimed</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,000 or less</td>
<td>$45.00</td>
</tr>
<tr>
<td>$1,001 to $2,500</td>
<td>$65.00</td>
</tr>
<tr>
<td>$2,501 to $5,000</td>
<td>$85.00</td>
</tr>
<tr>
<td>$5,001 to $7,500</td>
<td>$125.00</td>
</tr>
</tbody>
</table>
(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions .................................................................$50.00
For every additional defendant, appearing separately ............25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention .........................$25.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution ......................................................$25.00

(g) For the issuance of any writ of restitution .......................$75.00

(h) For filing a notice of appeal, and appeal bonds ...............$25.00

One charge only may be made if both papers are filed at the same time.

(i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court.................................................$25.00

(j) For preparation and transmittal of transcript and papers on appeal .................................................................$25.00

(k) For celebrating a marriage and returning the certificate to the county recorder or county clerk..........................$75.00

(l) For entering judgment by confession ................................$50.00

(m) For preparing any copy of any record, proceeding or paper, for each page ............................................................$.50

(n) For each certificate of the clerk, under the seal of the court .................................................................$3.00

(o) For searching records or files in his or her office, for each year ...............................................................$1.00

(p) For filing and acting upon each bail or property bond .....$50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the
fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to $5 of each fee collected pursuant to paragraph (k) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(e) Acquire advanced technology for the use of a justice court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and

(i) Pay for one-time projects for the improvement of a justice court.
Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:
   (a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and
   (b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 31. NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:
   (a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.
   (b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.
   (c) In case of real property, by:
      (1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS, upon the State Board of Health;
      (2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;
      (3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of
publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than $500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder; and

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

2. If the sale of property is a residential foreclosure, the notice must include, without limitation:

(a) The physical address of the property; and

(b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, a separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.
Under the Nevada Revised Statutes, eviction proceedings may begin against you after you have been given a notice to quit. If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

1. Delivering a copy to you personally in the presence of a witness, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;
2. If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business and to the place where the leased property is situated, if different; or
3. If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property, delivering a copy to a person residing there, if a person can be found, and mailing a copy to you at the place where the leased property is situated.

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:
1. You will be given at least 10 days to answer a summons and complaint;
2. If you do not file an answer, an order evicting you by default may be obtained against you;
3. A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and
4. A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.
4. The sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor’s property to the judgment creditor if the judgment debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section, “residential foreclosure” means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, “single family residence” means a structure that is comprised of not more than four units.

Sec. 32. NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:
(1) For a notice of default and election to sell, 100 days before the date of sale; or
(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:
(1) The physical address of the property; and
(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor’s successor in interest, in actual occupation of the premises not later than 15 days before the date of sale. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.
After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to quit or surrender. If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

1. Delivering a copy to you personally in the presence of a witness unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;
2. If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business and to the place where the leased property is situated, if different; or
3. If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property and delivering a copy to a person residing there, if a person can be found, and mailing a copy to you at the place where the leased property is situated.

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

1. You will be given at least 10 days to answer a summons and complaint;
2. If you do not file an answer, an order evicting you by default may be obtained against you;
(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and
(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any constable or sheriff of the county in which the property is located.

5. As used in this section, “residential foreclosure” has the meaning ascribed to it in NRS 107.080.

Sec. 33. NRS 116.4112 is hereby amended to read as follows:

116.4112  1. A declarant of a common-interest community containing converted buildings, and any dealer who intends to offer units in such a common-interest community, shall give each of the residential tenants and any residential subtenant in possession of a portion of a converted building notice of the conversion and provide those persons with the public offering statement no later than 120 days before the tenants and any subtenant in possession are required to vacate. The notice must set forth generally the rights of tenants and subtenants under this section and must be hand-delivered to the unit or mailed by prepaid United States mail to the tenant and subtenant at the address of the unit or any other mailing address provided by a tenant. No tenant or subtenant may be required to vacate upon less than 120 days’ notice, except by reason of nonpayment of rent, waste or conduct that disturbs other tenants’ peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period. Failure to give notice as required by this section is a defense to an action for possession. If, during the 6-month period before the recording of a declaration, a majority of the tenants or any subtenants in possession of any portion of the property described in such declaration has been required to vacate for reasons other than nonpayment of rent, waste or conduct that disturbs other tenants’ peaceful enjoyment of the premises, a rebuttable presumption is created that the owner of such property intended to offer the vacated premises as units in a common-interest community at all times during that 6-month period.

2. For 60 days after delivery or mailing of the notice described in subsection 1, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that 60-day period, the offeror may not offer to dispose of an interest in that unit during the following 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant. This subsection does not apply to any unit in a converted building if that unit will be restricted exclusively to
nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

3. If a seller, in violation of subsection 2, conveys a unit to a purchaser for value who has no knowledge of the violation, the recordation of the deed conveying the unit or, in a cooperative, the conveyance of the unit, extinguishes any right a tenant may have under subsection 2 to purchase that unit if the deed states that the seller has complied with subsection 2, but the conveyance does not affect the right of a tenant to recover damages from the seller for a violation of subsection 2.

4. If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of NRS 40.251 and 40.280, the notice also constitutes a notice to surrender specified by those sections.

5. This section does not permit termination of a lease by a declarant in violation of its terms.

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 118A.180 is hereby amended to read as follows:

118A.180 1. Except as otherwise provided in subsection 2, this chapter applies to, regulates and determines rights, obligations and remedies under a rental agreement, wherever made, for a dwelling unit or premises located within this State.

2. This chapter does not apply to:
   (a) A rental agreement subject to the provisions of chapter 118B of NRS;
   (b) Low-rent housing programs operated by public housing authorities and established pursuant to the United States Housing Act of 1937, 42 U.S.C. §§ 1437 et seq.;
   (c) Residence in an institution, public or private, incident to detention or the provision of medical, geriatric, educational, counseling, religious or similar service;
   (d) Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or his or her successor in interest;
   (e) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;
   (f) Occupancy in a hotel or motel for less than 30 consecutive days unless the occupant clearly manifests an intent to remain for a longer continuous period;
   (g) Occupancy by an employee of a landlord whose right to occupancy is solely conditional upon employment in or about the premises;
   (h) Occupancy by an owner of a condominium unit or by a holder of a proprietary lease in a cooperative apartment;
(i) Occupancy under a rental agreement covering premises used by the occupant primarily for agricultural purposes; or
(j) Occupancy by a person who is guilty of a forcible entry, as defined in NRS 40.230, or a forcible detainer, as defined in NRS 40.240.

Sec. 36.  (Deleted by amendment.)

Sec. 37.  NRS 118B.086 is hereby amended to read as follows:

118B.086  1. Each manager and assistant manager of a manufactured home park which has 2 or more lots shall complete annually 6 hours of continuing education relating to the management of a manufactured home park.
2. The Administrator shall adopt regulations specifying the areas of instruction for the continuing education required by subsection 1.
3. The instruction must include, but is not limited to, information relating to:
   (a) The provisions of chapter 118B of NRS;
   (b) Leases and rental agreements;
   (c) Unlawful detainer and eviction as set forth in NRS 40.215 to 40.425, inclusive, and sections 2 to 7, inclusive, of this act;
   (d) The resolution of complaints and disputes concerning landlords and tenants of manufactured home parks; and
   (e) The adoption and enforcement of the rules and regulations of a manufactured home park.
4. Each course of instruction and the instructor of the course must be approved by the Administrator. The Administrator shall adopt regulations setting forth the procedure for applying for approval of an instructor and course of instruction. The Administrator may require submission of such reasonable information by an applicant as the Administrator deems necessary to determine the suitability of the instructor and the course. The Administrator shall not approve a course if the fee charged for the course is not reasonable. Upon approval, the Administrator shall designate the number of hours of credit allowable for the course.

Sec. 38.  (Deleted by amendment.)

Sec. 39.  (Deleted by amendment.)

Sec. 40.  NRS 118B.190 is hereby amended to read as follows:

118B.190  1. A written agreement between a landlord and tenant for the rental or lease of a manufactured home lot in a manufactured home park in this State, or for the rental or lease of a lot for a recreational vehicle in an area of a manufactured home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215, must not be terminated by the landlord except upon notice in writing to the tenant served in the manner provided in NRS 40.280:
(a) Except as otherwise provided in paragraph (b), 5 days in advance if the termination is because the conduct of the tenant constitutes a nuisance as defined in NRS 40.140 or violates a state law or local ordinance.

(b) Three days in advance upon the issuance of temporary writ of restitution pursuant to NRS 40.300 on the grounds that a nuisance as defined in NRS 40.140 has occurred in the park by the act of a tenant or any guest, visitor or other member of a tenant’s household consisting of any of the following specific activities:

1. Discharge of a weapon.
2. Prostitution.
3. Illegal drug manufacture or use.
4. Child molestation or abuse.
5. Property damage as a result of vandalism.
6. Operating a vehicle while under the influence of alcohol or any other controlled substance.
7. Elder molestation or abuse.

(c) Except as otherwise provided in subsection 6, 10 days in advance if the termination is because of failure of the tenant to pay rent, utility charges or reasonable service fees.

(d) One hundred eighty days in advance if the termination is because of a change in the use of the land by the landlord pursuant to NRS 118B.180.

(e) Forty-five days in advance if the termination is for any other reason.

2. The landlord shall specify in the notice the reason for the termination of the agreement. The reason relied upon for the termination must be set forth with specific facts so that the date, place and circumstances concerning the reason for the termination can be determined. The termination must be in accordance with the provisions of NRS 118B.200 and reference alone to a provision of that section does not constitute sufficient specificity pursuant to this subsection.

3. The service of such a notice does not enhance the landlord’s right, if any, to enter the tenant’s manufactured home. Except in an emergency, the landlord shall not enter the manufactured home of the tenant served with such a notice without the tenant’s permission or a court order allowing the entry.

4. If a tenant remains in possession of the manufactured home lot after expiration of the term of the rental agreement, the tenancy is from week to week in the case of a tenant who pays weekly rent, and in all other cases the tenancy is from month to month. The tenant’s continued occupancy is on the same terms and conditions as were contained in the rental agreement unless specifically agreed otherwise in writing.

5. The landlord and tenant may agree to a specific date for termination of the agreement. If any provision of this chapter specifies a period of notice
which is longer than the period of a particular tenancy, the required length of
the period of notice is controlling.
6. Notwithstanding any provision of NRS 40.215 to 40.425, inclusive,
and sections 2 to 7, inclusive, of this act, if a tenant who is not a natural
person has received three notices for nonpayment of rent in accordance with
subsection 1, the landlord is not required to give the tenant a further 10-day
notice in advance of termination if the termination is because of failure to
pay rent, utility charges or reasonable service fees.
Sec. 41. NRS 118B.200 is hereby amended to read as follows:
118B.200 1. Notwithstanding the expiration of a period of a tenancy or
service of a notice pursuant to subsection 1 of NRS 118B.190, the rental
agreement described in NRS 118B.190 may not be terminated except on one
or more of the following grounds:
(a) Failure of the tenant to pay rent, utility charges or reasonable service
fees within 10 days after written notice of delinquency served upon the tenant
in the manner provided in NRS 40.280;
(b) Failure of the tenant to correct any noncompliance with a law,
ordinance or governmental regulation pertaining to manufactured homes or
recreational vehicles or a valid rule or regulation established pursuant to
NRS 118B.100 or to cure any violation of the rental agreement within a
reasonable time after receiving written notification of noncompliance or
violation;
(c) Conduct of the tenant in the manufactured home park which
constitutes an annoyance to other tenants;
(d) Violation of valid rules of conduct, occupancy or use of park facilities
after written notice of the violation is served upon the tenant in the manner
provided in NRS 40.280;
(e) A change in the use of the land by the landlord pursuant to
NRS 118B.180;
(f) Conduct of the tenant which constitutes a nuisance as defined in
NRS 40.140 or which violates a state law or local ordinance, specifically
including, without limitation:
(1) Discharge of a weapon;
(2) Prostitution;
(3) Illegal drug manufacture or use;
(4) Child molestation or abuse;
(5) Elder molestation or abuse;
(6) Property damage as a result of vandalism; and
(7) Operating a motor vehicle while under the influence of alcohol or
any other controlled substance; or
(g) In a manufactured home park that is owned by a nonprofit organization or housing authority, failure of the tenant to meet qualifications relating to age or income which:

1. Are set forth in the lease signed by the tenant; and
2. Comply with federal, state and local law.

2. A tenant who is not a natural person and who has received three or more 10-day notices to *quit* *surrender* for failure to pay rent in the preceding 12-month period may have his or her tenancy terminated by the landlord for habitual failure to pay timely rent.

Sec. 42. (Deleted by amendment.)

Sec. 43. NRS 203.110 is hereby amended to read as follows:

203.110 Except as otherwise provided in sections 46 and 47 of this act:

1. Every person who shall unlawfully use, or encourage or assist another in unlawfully using, any force or violence in entering upon or detaining any lands or other possessions of another; and

2. Every person who, having removed or been removed *therefrom* from any lands or possessions of another pursuant to the order or direction of any court, tribunal or officer, shall afterward unlawfully return to settle or reside upon, or take possession of, such lands or possessions, shall be guilty of a misdemeanor.

Sec. 44. Chapter 205 of NRS is hereby amended by adding thereto the provisions set forth as sections 45 to 48, inclusive, of this act.

Sec. 45. As used in sections 45 to 48, inclusive, of this act, “dwelling” means a structure or part thereof that is designed or intended for occupancy as a residence or sleeping place.

Sec. 46. 1. A person who forcibly enters an uninhabited or vacant dwelling, knows or has reason to believe that such entry is without permission of the owner of the dwelling or an authorized representative of the owner and has the intent to take up residence or provide a residency to another therein is guilty of housebreaking.

2. A person convicted of housebreaking is guilty of:

   (a) For a first offense, a gross misdemeanor; and
   (b) For a second and any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

3. A person convicted of housebreaking and who has previously been convicted three or more times of housebreaking must not be released on probation or granted a suspension of sentence.

4. As used in this section, “forcibly enters” means an entry involving:

   (a) Any act of physical force resulting in damage to the structure; or
   (b) The changing or manipulation of a lock to gain access.

Sec. 47. 1. A person who takes up residence in an uninhabited or vacant dwelling and knows or has reason to believe that such residency is
without permission of the owner of the dwelling or an authorized representative of the owner is guilty of unlawful occupancy.

2. A person convicted of unlawful occupancy is guilty of a gross misdemeanor. A person convicted of unlawful occupancy and who has been convicted three or more times of unlawful occupancy is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. A person who is accused of unlawful occupancy pursuant to subsection 1 and has previously been convicted two times of housebreaking, unlawful occupancy or any lesser included or related offense, or any combination thereof, arising from the same set of facts is presumed to have obtained residency of the dwelling with the knowledge that:

(a) Any asserted lease is invalid; and

(b) Neither the owner nor an authorized representative of the owner permitted the residency.

Sec. 48. 1. A person is guilty of unlawful reentry if:

(a) An owner of real property has recovered possession of the property from the person pursuant to section 2 or 3 of this act; and

(b) Without the authority of the court or permission of the owner, the person reenters the property.

2. A person convicted of unlawful reentry is guilty of a gross misdemeanor.

Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. NRS 315.041 is hereby amended to read as follows:

315.041 1. Except as otherwise required by federal law or regulation, or as a condition to the receipt of federal money, a housing authority or a landlord shall, immediately upon learning of facts indicating that a tenant is required pursuant to NRS 315.031 to vacate public housing, serve upon the tenant a written notice which:

(a) States that the tenancy is terminated at noon of the fifth full day following the day of service, and that the tenant must surrender the premises at or before that time;

(b) Sets forth the facts upon which the tenant is required to vacate the premises pursuant to NRS 315.031;

(c) Advises the tenant of the tenant’s right to contest the matter by filing, within 5 days, an affidavit with the justice of the peace denying the occurrence of the conditions set forth in NRS 315.031; and
(d) Contains any other matter required by federal law or regulation regarding the eviction of the tenant from those premises, or as a condition to the receipt of federal money.

If the tenant timely files the affidavit and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord shall not refuse the tenant, or any person who resides with the tenant, access to the premises.

2. Upon noncompliance with the notice:
   (a) The housing authority or the landlord shall apply by affidavit to the justice of the peace of the township where the premises are located. If it appears to the justice of the peace that the conditions set forth in NRS 315.031 have occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue an order directing the sheriff or constable of the county to remove the tenant and any other person on the premises within 24 hours after receipt of the order. The affidavit required by this paragraph must contain:
      (1) The date when, and the facts upon which, the tenant became required to vacate the premises.
      (2) The date when the written notice was given, a copy of the notice and a statement that the notice was served as provided in NRS 315.051.
   (b) Except when the tenant has timely filed the affidavit described in subsection 1 and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord may, in a peaceable manner, refuse the tenant, and any person who resides with the tenant, access to the premises.

3. Upon the filing by the tenant of the affidavit authorized by subsection 1 and the filing by the housing authority or the landlord of the affidavit required by subsection 2, the justice of the peace shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the justice of the peace determines that the conditions set forth in NRS 315.031 have occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue a summary order for removal of the tenant and any other person on the premises, or an order refusing the tenant, and any person who resides with the tenant, admittance to the premises. If the justice of the peace determines that the conditions set forth in NRS 315.031 have not occurred and that the tenant is not required by that section to vacate the premises, the justice of the peace shall refuse to grant any relief.

4. The provisions of NRS 40.215 to 40.425, inclusive, and sections 2 to 7, inclusive, of this act do not apply to any proceeding brought pursuant to the provisions of NRS 315.011 to 315.071, inclusive.
Sec. 54. NRS 326.070 is hereby amended to read as follows:

326.070 1. All lands in this state shall be deemed and regarded as public lands until the legal title is known to have passed from the government to private persons.

2. Every person who shall have complied with the provisions of NRS 326.010 to 326.070, inclusive, shall be deemed and held to have the right or title of possession of all the lands embraced within the survey, not to exceed 160 acres; and any person who shall thereafter, without the consent of the person so complying, enter into or upon such lands adversely, shall be deemed and held guilty of an unlawful and fraudulent entry thereon, and may be removed therefrom by proceedings had before any justice of the peace of the township in which the lands are situated. Such proceedings may be commenced and prosecuted under the provisions of NRS 40.220 to 40.420, inclusive, and sections 2 to 7, inclusive, of this act and all the provisions contained in those sections are made applicable to proceedings under NRS 326.010 to 326.070, inclusive.

Sec. 55. (Deleted by amendment.)

Sec. 56. NRS 40.170 is hereby repealed.

TEXT OF REPEALED SECTION

40.170 Damages in actions for forcible or unlawful entry may be trebled.

1. If a person recovers damages for a forcible or unlawful entry in or upon, or detention of, any building or any uncultivated or cultivated real property, judgment may be entered for three times the amount at which the actual damages are assessed.

2. As used in this section, “actual damages” means damages to real property and personal property.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 302.

Bill read third time.

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

Amendment No. 515.
SUMMARY—Makes various changes relating to statewide political parties and presidential preference primary elections. (BDR 24-801)

AN ACT relating to elections; making various changes relating to political parties and presidential preference primary elections; revising provisions governing the organization and operation of major political parties; providing in certain circumstances for a presidential preference primary election to be held in conjunction with the statewide primary election; revising the date of the statewide primary election to the Tuesday immediately preceding the last Tuesday in January of each even-numbered year; requiring the Secretary of State, under certain circumstances and with the approval of the Legislative Commission, to select an earlier date for the statewide primary election; making corresponding changes to various pre-election deadlines; revising requirements for the reporting of campaign contributions and expenditures; establishing requirements for participation when requested by a major political party; requiring delegates to a national party convention to vote according to the results of the state party's presidential preference primary election; party; requiring penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1, 2, 18-21 and 32-38 of this bill provide for a statewide presidential preference primary election to be held in conjunction with the statewide primary election in January of a presidential election year. Section 32 provides that a presidential preference primary election is generally governed by the same statutory provisions applicable to the existing statewide primary. Pursuant to section 33, a presidential preference primary election is initiated by the submission of a notice to the Secretary of State from the state central committee of any major political party. After the submission of this notice, the election must be held if two or more presidential candidates of that party timely file declarations of candidacy with the Secretary of State.

Under existing law, the election of delegates at precinct meetings scheduled by the state central committee of each major political party, commonly known as “party caucuses,” may be a part of expressing preferences for candidates for the party’s nomination for President of the United States. (NRS 293.137) In any year in which a presidential preference primary election is held for the party, section 4 of this bill requires that the precinct meetings not be held until after the presidential preference primary election has been conducted and the results of the election have been certified by the Secretary of State. Sections 5 and 6 of this bill further require that any rule of a party governing the election of delegates at a precinct meeting, the selection of delegates and alternates to a national party convention, or the
voting of delegates at the national convention, must reasonably reflect the results of the presidential preference primary election, if one has been held for the party.

Section 7 of this bill changes the date of the statewide primary election from the second Tuesday in June of each even-numbered year to the Tuesday immediately preceding the last Tuesday in January of each even-numbered year. To provide an example, if the provisions of this bill had been in effect in 2014, the primary election would have been held on January 21, 2014, instead of June 10, 2014. If another state in the Western United States (an area defined to encompass Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming) schedules its presidential preference primary election for a date earlier in January than the date otherwise prescribed for the statewide primary election in Nevada, section 7 requires the Secretary of State, with the approval of the Legislative Commission, to select a date for the primary election which is not earlier than January 2 and not a Saturday, Sunday, or legal holiday. As a result of changing the date of the statewide primary election, sections 3, 5, 13, 17, 22 and 23 of this bill amend various other dates relating to elections, such as the date for filing a declaration of candidacy.

Sections 16 and 24 of this bill delete certain existing but obsolete statutory references to the presidential preference primary election.

Various provisions of existing law provide for the submission to the Secretary of State of periodic reports relating to campaign contributions and expenditures. The reporting periods and the deadlines for submitting these reports are based, in part, on the date of the relevant primary election or primary city election. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220) Sections 25-30 of this bill revise these reporting requirements as they relate to a primary election or primary city election held on or before February 1.

Under existing law, a major political party must: (1) hold precinct meetings in each county; (2) select delegates to the county, state and national party conventions; (3) provide certain types of notice regarding its meetings and conventions; and (4) follow certain procedural requirements when conducting its affairs. (NRS 293.130-293.163) Sections 3.5-6 of this bill revise various aspects of the organization and operation of major political parties.

Sections 3.5 and 4 authorize major political parties to adopt rules for providing notice of meetings and conventions through an Internet website or other social media. Section 4 also provides that precinct meetings may be consolidated or held for the county at large. Section 5 allows delegates to be selected through a nomination process instead of being selected at precinct meetings and permits the county central
committee to provide for forms to be prepared and delivered electronically. Section 6 provides that until the end of the first ballot at the national party convention, the state party’s delegates are bound to vote at each stage of the presidential nomination process according to the results of the state party’s presidential preference process.

Sections 1-3, 31.1-31.9 and 42 of this bill authorize the state central committee of a major political party to submit a request to the Secretary of State to cause a presidential preference primary election to be held for the party in February of a presidential year. The election would be conducted on a single weekday from 8 a.m. until at least 8 p.m. without any period of early voting but with voting by absent ballot. Sections 31.9 and 42 of this bill provide that the cost of such a presidential preference primary election would be a charge against the State and must be paid from the Reserve for Statutory Contingency Account in the State General Fund.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

“Presidential preference primary election” means an election held in a presidential election year pursuant to sections 31.1 to 31.9, inclusive, of this act to determine the preferences of the registered voters of a major political party regarding the party’s nominee for President of the United States.

Sec. 2. NRS 293.010 is hereby amended to read as follows:

293.010  As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, and section 1 of this act have the meanings ascribed to them in those sections.

Sec. 2.5. NRS 293.080 is hereby amended to read as follows:

293.080 1. “Primary election” means the election held pursuant to NRS 293.175.

2. Except as otherwise provided in sections 31.1 to 31.9, inclusive, of this act, the term includes a presidential preference primary election.

Sec. 3. NRS 293.128 is hereby amended to read as follows:

293.128 1. To qualify as a major political party, any organization must, under a common name:

(a) On January 1, August 1 of the year preceding any primary election, have been designated as a political party on the applications to register to vote of at least 10 percent of the total number of registered voters in this State; or
(b) File a petition with the Secretary of State not later than the last Friday in February before September of the year preceding any primary election signed by a number of registered voters equal to or more than 10 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

2. If a petition is filed pursuant to paragraph (b) of subsection 1, the names of the voters need not all be on one document, but each document of the petition must be verified by the circulator thereof to the effect that the signers are registered voters of this State according to the circulator's best information and belief and that the signatures are genuine and were signed in the circulator's presence. Each document of the petition must bear the name of a county, and only registered voters of that county may sign the document. The documents which are circulated for signature must then be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last Friday in February before September of the year preceding a primary election.

3. In addition to the requirements set forth in subsection 1, each organization which wishes to qualify as a political party must file with the Secretary of State a certificate of existence which includes the:
   (a) Name of the political party;
   (b) Names and addresses of its officers;
   (c) Names of the members of its executive committee; and
   (d) Name of the person who is authorized by the party to act as registered agent in this State.

4. A political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate. (Deleted by amendment.)

Sec. 3.5. NRS 293.130 is hereby amended to read as follows:

293.130  1. On the dates set by the respective state central committees in each year in which a general election is to be held, a county convention of each major political party must be held at the county seat of each county or at such other place in the county as the county central committee designates.

2. The county central committee of each major political party shall cause notice of the holding of the county convention of its party to be [published] :
   (a) Published in one or more newspapers, if any, published in the county [ ]; or
   (b) If consistent with the rules of the party, posted on an Internet website or other social media.

3. The notice must be in substantially the following form:

NOTICE OF.....(NAME OF PARTY).....CONVENTION
Notice is hereby given that the county Convention of the .............. Party for ........ ........ County will be held at ........ ........ in ................, on the ……..day of the month of …………… of the year ……; that at the convention delegates to the ...... State Convention will be elected, a county central committee to serve for the ensuing 2 years will be chosen, and other party affairs may be considered; that delegates to such county convention will be chosen at .......(name of party)........ precinct meetings to be held in each voting precinct in the county on or before the ..... day of the month of …………… of the year ........ and that a voting precinct is entitled to a number of delegates in proportion to the number of registered voters of the ................. Party residing in the precinct as set forth in NRS 293.133.

County Central Committee of ................. County, Nevada
By ................. (Its Chair)
And ................. (Its Secretary)

Sec. 4. NRS 293.135 is hereby amended to read as follows:

293.135  1. Except as otherwise provided in this subsection and subsection 3 of NRS 293.137, the county central committee of each major political party in each county shall have a precinct meeting of the registered voters of the party residing in each voting precinct entitled to delegates in the county convention called and held on the dates set for the precinct meeting by the respective state central committees in each year in which a general election is held. If consistent with the rules of the party, the county central committee may have precinct meetings consisting of two or more precincts or may have a precinct meeting for the county at large. In any year in which a presidential preference primary election is held for the party, the precinct meetings may not be held until after the results of that election are certified by the Secretary of State pursuant to sections 31.1 to 31.9, inclusive, of this act.

2. Each meeting regarding one or more precincts must be held in one of the following places in the following order of preference:
   (a) Any public building within the precinct if the meeting is for a single precinct, or any public building which is in reasonable proximity to the precincts and will accommodate a meeting of two or more precincts; or
   (b) Any private building within the precinct or one of the precincts.

3. On the date set by the respective state central committees for giving notice of the precinct meetings, the county central committee shall give notice of each meeting by:
   (a) Posting in a conspicuous place outside the building where the meeting is to be held; and
(b) Publishing in one or more newspapers of general circulation in the precinct, published in the county, if any are so published, on the date set for giving notice of the meeting by the respective state central committees; or, if consistent with the rules of the party, posting on an Internet website or other social media.

4. The notice must be prepared in conspicuous display advertising format of not less than 10 column inches, and must include the following language, or words of similar import:

Notice to All Voters Registered
in the (State Name of Major Political Party)

Nevada state law requires each major political party, in every year during which a general election is held, to have a precinct meeting held for each precinct. All persons registered in the party and residing in your precinct are entitled to attend the meeting regarding your precinct. Delegates to your party’s county convention will be elected at the meeting regarding your precinct by those in attendance. Set forth below are the time and place at which the meeting regarding your precinct will be held, together with the number of delegates to be elected from each precinct. If you wish to participate in the organization of your party for the coming 2 years, attend the meeting regarding your precinct.

5. The notice must specify:
(a) The date, time and place of the meeting; and
(b) The number of delegates to the county convention to be chosen at the meeting; and
(c) Any fees which may be charged to attend the county or state convention.

Sec. 5. NRS 293.137 is hereby amended to read as follows:

293.137 1. [Promptly] Except as otherwise provided in subsection 3, promptly at the time and place appointed therefor, the meeting regarding one or more precincts must be convened and organized for each precinct. If access to the premises appointed for any such meeting is not available, the meeting may be convened at an accessible place immediately adjacent thereto. The meeting must be conducted openly and publicly and in such a manner that it is freely accessible to any registered voter of the party calling the meeting who resides in one of the precincts and is desirous of attending the meeting, until the meeting is adjourned. At the meeting, the delegates to which the members of the party residing in one of the precincts are entitled in the party’s county convention must be elected pursuant to the rules of the state central committee of that party.
In presidential election years in which a presidential preference primary election is not held for the party, the election of delegates may be a part of expressing preferences for candidates for the party’s nomination for President of the United States if the rules of the party permit such conduct. 

The rules of the state central committee must reasonably reflect the results of the presidential preference primary election, if one has been held for the party. The result of the election must be certified to the county convention of the party by the chair and the secretary of the meeting upon the forms specified in subsection 5.

2. Except as otherwise provided in subsection 3, at the precinct meetings, the delegates and alternates to the party’s convention must be elected. If a meeting is not held for a particular precinct at the location specified, that precinct must be without representation at the county convention unless the meeting was scheduled, with proper notice, and no registered voter of the party appeared. In that case, the meeting shall be deemed to have been held and the position of delegate is vacant. If a position of delegate is vacant, it must be filled by the designated alternate, if any. If there is no designated alternate, the vacancy must be filled pursuant to the rules of the party, if the rules of the party so provide, or, if the rules of the party do not so provide, the county central committee shall appoint a delegate from among the qualified members of the party residing in the precinct in which the vacancy occurred, and the secretary of the county central committee shall certify the appointed delegate to the county convention.

3. If consistent with the rules of the party, the delegates and alternates to the party’s convention may be elected through a nomination process and may be chosen by precinct or at large. The number of delegates elected may not exceed the number authorized pursuant to NRS 293.133. In presidential election years in which a presidential preference primary election is held for the party, the rules must reasonably reflect the results of the presidential preference primary election. The results of the nomination process must be certified to the county convention of the party by the chair and the secretary overseeing the process upon the forms specified in subsection 5.

4. If the county central committee elects to nominate delegates and alternates to the party’s convention pursuant to subsection 3, the county central committee shall give notice of the nomination process. The notice:

   (a) May be given, without limitation, by:

      (1) Publishing in one or more newspapers of general circulation published in the precinct or county, if any; or

      (2) If consistent with the rules of the party, posting on an Internet website or other social media.

   (b) Must include, without limitation:
(1) The name of the party;
(2) The purpose of the nomination process;
(3) The process that will be used to elect delegates and alternates;
(4) Any relevant dates, times or locations for the process;
(5) The number of delegates to be chosen; and
(6) Any fees which may be charged to attend the county or state convention.

5. The county central committee shall prepare and number serially a number of certificate forms equal to the total number of delegates to be elected throughout the county, and deliver the appropriate number to each precinct meeting. Each certificate must be in duplicate. The original must be given to the elected delegate, and the duplicate transmitted to the county central committee. The county central committee may provide for such forms to be prepared and delivered electronically pursuant to the rules of the party.

6. All duplicates must be delivered to the chair of the preliminary credentials committee of the county convention. Every delegate who presents a certificate matching one of the duplicates must be seated without dispute.

7. Each state central committee shall adopt written rules governing, but not limited to, the following procedures:
   (a) The selection, rights and duties of committees of a convention;
   (b) Challenges to credentials of delegates; and
   (c) Majority and minority reports of committees.

Sec. 5.5. NRS 293.143 is hereby amended to read as follows:

293.143 1. The county central committee of a major political party to be elected by the county convention of the party must consist of such number of members as may be determined by the convention, but each voting precinct, entitled to one or more delegates in the convention, is entitled to have at least one committeeman or committeewoman and no precinct may have more committeemen or committeewomen than its authorized number of delegates to the county convention.

2. After the county convention of the party, the composition of the county central committee may be changed, and during a presidential election year, must be changed, by the county central committee to reflect changes in the organization of precincts and in the number of registered voters of the party, using the same standards adopted by the party to elect delegates to the county convention.

Sec. 6. NRS 293.163 is hereby amended to read as follows:

293.163 1. In presidential election years, on the call of a national party convention, but one set of party conventions and but one state convention shall be held on such respective dates and at such places as the state central committee of the party shall designate. If no earlier dates are fixed, the state
convention shall be held 30 days before the date set for the national convention and the county conventions shall be held 60 days before the date set for the national convention.

2. Delegates to such conventions shall be selected in the same manner as prescribed in NRS 293.130 to 293.160, inclusive, and each convention shall have and exercise all of the power granted it under NRS 293.130 to 293.160, inclusive. In addition to such powers granted it, the state convention shall select the necessary delegates and alternates to the national convention of the party and, if consistent with the rules and regulations of the party, shall select the national committeeman and committeewoman of the party from the State of Nevada. Any rule or regulation of the party governing the election of delegates and alternates to the national convention of the party, or directing the votes of delegates at the national convention, must reasonably reflect the results of any presidential preference primary election held for the party.

3. Until the end of the first ballot at the national convention of the party, a delegate or alternate to the national convention of the party is bound to vote at each stage of the presidential nomination process at the national convention in accordance with:
   (a) The preference expressed by the members of the state party through any presidential preference process prescribed by NRS 293.130 to 293.160, inclusive, or any presidential preference primary election held for the party; and
   (b) Any rule or regulation of the party adopted pursuant to subsection 4.

4. The state central committee of the party shall adopt a rule or regulation of the party to govern whether the delegates or alternates to the national convention of the party are bound to vote:
   (a) For the presidential candidate receiving the highest percentage of votes during the presidential candidate selection process; or
   (b) In a proportional manner in relation to the presidential preferences expressed during the presidential candidate selection process.

5. If a delegate violates the provisions of subsection 3, the delegate and the party:
   (a) Shall each pay to the candidate for whom the vote of the delegate was bound, an amount equal to the fee paid by the candidate to file with the state party; or
   (b) If the candidate did not pay a fee to file with the state party, shall each pay a civil penalty in an amount not to exceed $1,000 for each violation. This penalty must be recovered in a civil action brought in the name of the State of Nevada by the Attorney General in a court of competent jurisdiction. Any civil penalty collected pursuant to this section
must be deposited by the Attorney General for credit to the State General Fund in the bank designated by the State Treasurer.

Sec. 7. [NRS 293.175 is hereby amended to read as follows:]

293.175 1. [The] Except as otherwise provided in this subsection, the primary election must be held on the second Tuesday in June. 

If any other state in the Western United States schedules a presidential preference primary election in that state for a date in January of an even-numbered year that is earlier than the date otherwise prescribed for the primary election by this subsection, the Secretary of State shall, as soon as practicable and with the approval of the Legislative Commission, select a date for the primary election which is not earlier than January 2 of that year and is not a Saturday, Sunday or legal holiday.

2. Candidates. Except as otherwise provided in this subsection, candidates for partisan office of a major political party and candidates for nonpartisan office must be nominated at the primary election. The provisions of this subsection do not apply to candidates for nomination for President of the United States.

3. Candidates for partisan office of a minor political party must be nominated in the manner prescribed pursuant to NRS 293.171 to 293.174, inclusive.

4. Independent candidates for partisan office must be nominated in the manner provided in NRS 293.200.

5. The provisions of NRS 293.175 to 293.203, inclusive:

(a) Apply to a special election to fill a vacancy, except to the extent that compliance with the provisions is not possible because of the time at which the vacancy occurred;

(b) Do not apply to the nomination of the officers of incorporated cities;

(c) Do not apply to the nomination of district officers whose nomination is otherwise provided for by statute.

6. As used in this section, “Western United States” means the area of the United States composed of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. (Deleted by amendment.)

Sec. 8. [NRS 293.176 is hereby amended to read as follows:]

293.176 1. Except as otherwise provided in subsection 2, no person may be a candidate of a major political party for partisan office in any election if the person has changed:

(a) The designation of his or her political party affiliation; or

(b) His or her designation of political party from nonpartisan to a designation of a political party affiliation,
on an application to register to vote in the State of Nevada or in any other state during the time beginning on [December] July 31 preceding the closing filing date for that election and ending on the date of that election whether or not the person’s previous registration was still effective at the time of the change in party designation.

2. The provisions of subsection 1 do not apply to any person who is a candidate of a political party that is not organized pursuant to NRS 293.171 on the [December] July 31 next preceding the closing filing date for the election.

Sec. 9. NRS 293.177 is hereby amended to read as follows:

293.177  1. Except as otherwise provided in NRS 293.165, and section 34 of this act, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held, August not later than 5 p.m. on the second Friday after the first Monday in January, August of the year preceding the primary election; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held, October not later than 5 p.m. on the second Friday after the first Monday in March, October of the year preceding the primary election.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ........ FOR THE

Office of ................

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the ................ Party nomination for the office of ........, I, the undersigned ........, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ........., in the City or Town of ........., County of ........., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ........, and the address at which I receive mail, if
different than my residence, is ______ that I am registered as a member of the ______ Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since ______ before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ______ Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

________________________________________

(Designation of name)

________________________________________

(Signature of candidate for office)

Subscribed and sworn to before me
this ______ day of the month of ______ of the year ______

________________________________________
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ______ FOR THE
OFFICE OF ______

State of Nevada

County of ______

For the purpose of having my name placed on the official ballot as a candidate for the office of ______, I, the undersigned ______, do swear or affirm under penalty of perjury that I actually, as opposed to
constructively, reside at ……… in the City or Town of ……… County of ……… State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is .......... and the address at which I receive mail, if different than my residence, is ..........; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office, and my name will appear on all ballots as designated in this declaration.

________________________________________
(Designation of name)

________________________________________
(Signature of candidate for office)

Subscribed and sworn to before me
this ...... day of the month of ...... of the year ......

Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:
   (a) The candidate’s address is listed as a post office box unless a street address has been assigned to his or her residence; or
   (b) The candidate does not present to the filing officer:
(1) A valid driver’s license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate’s residential address; or
(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate’s name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:
   (a) May not be withheld from the public; and
   (b) Must not contain the social security number or driver’s license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:
   (a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and
   (b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate’s name will appear on
the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy. [Deleted by amendment.]

Sec. 10. — NRS 293.180 is hereby amended to read as follows:  
293.180 1. Ten or more registered voters may file a certificate of candidacy designating any registered voter as a candidate for: 
(a) Their major political party's nomination for any partisan elective office [.] other than President of the United States, or as a candidate for nomination for any nonpartisan office other than a judicial office, not earlier than the first Monday in [February of the year in which the election is to be held] September nor later than 5 p.m. on the first Friday in [March] October of the year preceding the year in which the election is to be held; or 
(b) Nomination for a judicial office, not earlier than the first Monday in [December of the year immediately preceding the year in which the election is to be held] July nor later than 5 p.m. on the first Friday in [January] August of the year preceding the year in which the election is to be held. 
2. When the certificate has been filed, the officer in whose office it is filed shall notify the person named in the certificate. If the person named in the certificate files an acceptance of candidacy and pays the required fee, as provided by law, he or she is a candidate in the primary election in like manner as if he or she had filed a declaration of candidacy. 
3. If a certificate of candidacy relates to a partisan office, all of the signers must be of the same major political party as the candidate designated. [Deleted by amendment.]

Sec. 11. — NRS 293.205 is hereby amended to read as follows:  
293.205 1. Except as otherwise provided in NRS 293.208, on or before the third Wednesday in [March of every even-numbered] October of each odd-numbered year, the county clerk shall establish election precincts, define the boundaries thereof, abolish, alter, consolidate and designate precincts as public convenience, necessity and economy may require. 
2. The boundaries of each election precinct must follow visible ground features or extensions of visible ground features, except where the boundary coincides with the official boundary of the State or a county or city. 
3. Election precincts must be composed only of contiguous territory. 
4. As used in this section, "visible ground feature" includes a street, road, highway, river, stream, shoreline, drainage ditch, railroad right-of-way or any other physical feature which is clearly visible from the ground. [Deleted by amendment.]

Sec. 12. — NRS 293.206 is hereby amended to read as follows:  
293.206 1. On or before the last day in [March of every even-numbered] October of each odd-numbered year, the county clerk shall provide the Secretary of State and the Director of the Legislative Counsel
Bureau with a copy or electronic file of a map showing the boundaries of all
election precincts in the county.

2. If the Secretary of State determines that the boundaries of an election
precinct do not comply with the provisions of NRS 293.205, the Secretary of
State must provide the county clerk with a written statement of
noncompliance setting forth the reasons the precinct is not in compliance.
Within 15 days after receiving the notice of noncompliance, the county clerk
shall make any adjustments to the boundaries of the precinct which are
required to bring the precinct into compliance with the provisions of NRS
293.205 and shall submit a corrected copy or electronic file of the precinct
map to the Secretary of State and the Director of the Legislative Counsel
Bureau.

3. If the initial or corrected election precinct map is not filed as required
pursuant to this section or the county clerk fails to make the necessary
changes to the boundaries of an election precinct pursuant to subsection 2,
the Secretary of State may establish appropriate precinct boundaries in
compliance with the provisions of NRS 293.205 to 293.213, inclusive. If the
Secretary of State revises the map pursuant to this subsection, the Secretary
of State shall submit a copy or electronic file of the revised map to the
Director of the Legislative Counsel Bureau and the appropriate county clerk.

4. As used in this section, “electronic file” includes, without limitation,
an electronic data file of a geographic information system.] (Deleted by
amendment.)

Sec. 13. [NRS 293.208 is hereby amended to read as follows:

293.208  1. Except as otherwise provided in subsections 2, 3 and 5 and
in NRS 293.206, no election precinct may be created, divided, abolished or
consolidated, or the boundaries thereof changed, during the period between
the third Wednesday in March and October of any year whose last digit is 6,
and the time when the Legislature has been redistricted in a year whose last
digit is 1, unless the creation, division, abolishment or consolidation of the
precinct, or the change in boundaries thereof, is:

(a) Ordered by a court of competent jurisdiction;

(b) Required to meet objections to a precinct by the Attorney General of
the United States pursuant to the Voting Rights Act of 1965, 42 U.S.C. §§
1971 and 1973 et seq., and any amendments thereto;

(c) Required to comply with subsection 2 of NRS 293.205;

(d) Required by the incorporation of a new city;

(e) Required by the creation of or change in the boundaries of a special
district.

As used in this subsection, “special district” means any general
improvement district or any other quasi-municipal corporation organized
under the local improvement and service district laws of this State as
enumerated in title 25 of NRS which is required by law to hold elections or any fire protection district which is required by law to hold elections.

2. If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

3. A new election precinct may be established at any time if it lies entirely within the boundaries of any existing precinct.

4. If a change in the boundaries of an election precinct is made pursuant to this section during the time specified in subsection 1, the county clerk must:

(a) Within 15 days after the change to the boundary of a precinct is established by the county clerk or ordered by a court, send to the Director of the Legislative Counsel Bureau and the Secretary of State a copy or electronic file of a map showing the new boundaries of the precinct; and

(b) Maintain in his or her office an index providing the name of the precinct and describing all changes which were made, including any change in the name of the precinct and the name of any new precinct created within the boundaries of an existing precinct.

5. Cities of population categories two and three are exempt from the provisions of subsection 1.

6. As used in this section, “electronic file” includes, without limitation, an electronic data file of a geographic information system. (Deleted by amendment.)

Sec. 14. [NRS 293.209 is hereby amended to read as follows:

293.209 A political subdivision of this State shall not create, divide, change the boundaries of, abolish or consolidate an election district after at any time during the period between the first day of filing by candidates [after] at any time during the period between the first day of filing by candidates (during any year in which a] and the date of the general election or city general election (in held) for that election district. This section does not prohibit a political subdivision from annexing territory (in a year in which a general election or city general election is held for that election district) during that period.] (Deleted by amendment.)

Sec. 15. [NRS 293.260 is hereby amended to read as follows:

293.260 1. Except as otherwise provided in subsection 2:

(a) Where there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.

2. (b) If more than one major political party has candidates for a particular office, the person who receives the highest number of votes at the primary elections must be declared the nominee of that party for the office.
3. (c) If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his or her name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.

4. (d) If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office:

(a) (1) If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in this subparagraph, the candidates of that party who receive the highest number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his or her name must be placed on the ballot for the general election.

(b) (2) If there are no more than twice the number of candidates to be elected to the office, the candidate must, without a primary election, be declared the nominee for the office.

5. (e) Where no more than the number of candidates to be elected have filed for nomination for:

(a) (1) Any partisan office, the office of judge of the Court of Appeals or the office of justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election;

(b) (2) Any nonpartisan office, other than the office of justice of the Supreme Court, office of judge of the Court of Appeals or the office of member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and
The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

(f) If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

2. The provisions of subsection 1 do not apply to candidates for nomination for President of the United States. (Deleted by amendment.)

Sec. 16. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:
   (a) Prepare and sign a statement for the polling place. The statement must include:
   (1) The title of the election;
   (2) The number of the precinct or voting district;
   (3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;
   (4) The number of ballots voted on the mechanical recording device for that day; and
   (5) The number of signatures in the roster for early voting for that day.
   (b) Secure:
   (1) The ballots pursuant to the plan for security required by NRS 293.3594; and
   (2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:
   (a) The statements for all polling places for early voting;
   (b) The voting rosters used for early voting;
   (c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and
   (d) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:
   (a) Sort the items by precinct or voting district;
   (b) Count the number of ballots voted by precinct or voting district;
   (c) Account for all ballots on an official statement of ballots; and
(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the items to the central counting place. (Deleted by amendment.)

Sec. 17. NRS 293.368 is hereby amended to read as follows:

293.368 1. Except as otherwise provided in subsection 4 of NRS 293.165, if a candidate on the ballot at a primary election dies after 5 p.m. of the second Tuesday in [April] November of the year preceding the election, the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, except as otherwise provided in subsection 2 of NRS 293.165, the deceased candidate shall be deemed nominated and the vacancy in the nomination must be filled as provided in NRS 293.165 or 293.166. If the deceased person was a candidate for a nonpartisan office, the nomination must be filled pursuant to subsection 2 of NRS 293.165.

3. Whenever a candidate whose name appears upon the ballot at a general election dies after 5 p.m. on the fourth Friday in June of the year in which the general election is held, the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed vacant at the beginning of the term for which he or she was elected. The vacancy thus created must be filled in the same manner as if the candidate had died after taking office for that term. (Deleted by amendment.)

Sec. 18. NRS 293.387 is hereby amended to read as follows:

293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the sixth working day following the election.

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall
cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,

and transmit them to the Secretary of State not more than 7 working days after the election.

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.

5. The Secretary of State shall, immediately after any presidential preference primary election, compile the returns for all the candidates. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the state central committee and, if necessary to comply with the rules and regulations of the party, to the national committee of each major political party for which a presidential preference primary election was held, the number of votes received by each candidate.

Sec. 19. [NRS 293.400 is hereby amended to read as follows:]

293.400 1. If, after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:

(a) In a general election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Legislature shall, by joint vote of both houses, elect one of those persons to fill the office.

(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Secretary of State shall summon the candidates, or in the case of a presidential preference primary election, the candidates or their representatives, who have received the tie votes to appear before the Secretary of State at a time and place designated by the Secretary of State and the Secretary of State shall determine the tie by lot. If the tie vote is for the office of Secretary of State, the Governor shall perform these duties.

(c) For any office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie
vote, or district which is wholly located within one county, the county clerk shall summon the candidates who have received the tie votes to appear before the county clerk at a time and place designated by the county clerk and determine the tie by lot. If the tie vote is for the office of county clerk, the board of county commissioners shall perform these duties.

2. The summons mentioned in this section must be mailed to the address of the candidate or it appears upon the candidate’s declaration of candidacy at least 5 days before the day fixed for the determination of the tie vote and must contain the time and place where the determination will take place.

3. The right to a recount extends to all candidates in case of a tie.

(Deleted by amendment.)

Sec. 20. [NRS 293.407 is hereby amended to read as follows:

293.407  1. A candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.

2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court, or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including a presidential preference primary election or an election to the office of presidential elector, must, within the time prescribed in NRS 293.413, file with the clerk of the district court a written statement of contest, setting forth:

(a) The name of the contestant and, unless the contestant is a candidate in a presidential preference primary election, that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;

(b) The name of the defendant;

(c) The office to which the defendant was declared elected;

(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and

(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.

3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.

4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.

(Deleted by amendment.)

Sec. 21. [NRS 293.417 is hereby amended to read as follows:

293.417  1. If, in any contest, the court finds from the evidence that a person other than the defendant received the greatest number of legal votes, the court, as a part of the judgment, shall declare that person elected or nominated.
2. The person declared nominated or elected by the court is entitled to a certificate of nomination or election. If a certificate has not been issued to that person, the county clerk, city clerk or Secretary of State shall execute and deliver to the person a certificate of election or a certificate of nomination.

3. If a certificate of election or nomination to the same office has been issued to any person other than the one declared elected by the court, that certificate must be annulled by the judgment of the court.

4. Whenever an election is annulled or set aside by the court, and the court does not declare some candidate elected, the certificate of election or the commission, if any has been issued, is void and the office is vacant.

5. In a contest over a presidential preference primary election, the Secretary of State shall correct, in accordance with the judgment of the court, any certification previously issued pursuant to subsection 5 of NRS 293.387. If such a certification has not been issued, the Secretary of State shall issue the certification in accordance with the judgment. (Deleted by amendment.)

Sec. 22. [NRS 293.481 is hereby amended to read as follows:

293.481  1. Except as otherwise provided in subsection 2, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide to each county clerk within the designated territory on or before the third Monday in July preceding the election:

(1) A copy of the question, including an explanation of the question;

and

(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.

(b) At a primary election, shall provide to each county clerk within the designated territory on or before the second Friday after the first Monday in [March] October of the year preceding the election:

(1) A copy of the question, including an explanation of the question;

and

(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.
(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide to each county clerk at least 60 days before the election:

1. A copy of the question, including an explanation of the question; and
2. A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide to the city clerk at least 60 days before the election:

1. A copy of the question, including an explanation of the question; and
2. A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.

2. An explanation of a question required to be provided to a county clerk pursuant to subsection 1 must be written in easily understood language and include a digest. The digest must include a concise and clear summary of any existing laws directly related to the measure proposed by the question and a summary of how the measure proposed by the question adds to, changes or repeals such existing laws. For a measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the measure creates, generates, increases or decreases, as applicable, public revenue.

3. A question may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to the provisions of chapter 295 of NRS or any other statute except NRS 205.230, 354.59817, 354.5982, 387.2285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.

4. A question that is submitted pursuant to subsection 1 may be withdrawn if the governing body provides notification to each of the county or city clerks within the designated territory of its decision to withdraw the particular question on or before the same dates specified for submission pursuant to paragraph (a), (b), (c) or (d) of subsection 1, as appropriate.

5. A county or city clerk:
(a) Shall assign a unique identification number to a question submitted pursuant to this section; and
(b) May charge any political subdivision, public or quasi-public corporation, or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation, arguments and description of the anticipated financial effect on the ballot. [(Deleted by amendment.)]

Sec. 23. [NRS 293B.354 is hereby amended to read as follows:

293B.354  1. The county clerk shall, not later than [April] November 15 of each year proceeding the year in which a general election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.
2. The city clerk shall, not later than January 1 of each year in which a general city election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of the ballots at a polling place, receiving center or central counting place.
3. Each plan must include:
(a) The location of the central counting place and of each polling place and receiving center;
(b) A procedure for the establishment of areas within each polling place and receiving center and the central counting place from which members of the general public may observe the activities set forth in subsections 1 and 2;
(c) The requirements concerning the conduct of the members of the general public who observe the activities set forth in subsections 1 and 2; and
(d) Any other provisions relating to the accommodation of members of the general public who observe the activities set forth in subsections 1 and 2 which the county or city clerk considers appropriate. [(Deleted by amendment.)]

Sec. 24. [NRS 293C.3604 is hereby amended to read as follows:

293C.3604  If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:
1. At the close of each voting day, the election board shall:
(a) Prepare and sign a statement for the polling place. The statement must include:
(1) The title of the election;
(2) The number of the precinct or voting district;
(3) The number of ballots cast;
(4) The number of ballots received;
(5) The number of spoiled ballots; and
(6) The number of ballots which were not processed or counted.
(7) The number of voters who cast a ballot; and
(8) The number of voters who did not vote.
(b) Sign the statement in duplicate. The original shall be retained by the election board and the duplicate shall be signed by the Secretary of State.
2. The election board shall:
(a) Retain the statement as evidence until the election is adjourned.
(b) Remove all ballots and ballot materials from the polling place and secure them in a locked ballot box.
(c) Seal the ballot box with the election board's official seal.
(d) Return the ballot box to the Secretary of State.
(e) Submit the ballots to the Secretary of State for tabulation and certification.
(f) Make a report to the Secretary of State in the form prescribed by the Secretary of State.
(g) Submit a copy of the report to the Secretary of State.
(h) Submit a copy of the report to the county or city clerk.
(i) Submit a copy of the report to the precinct or city clerk.
(j) Submit a copy of the report to the city or county election board.
(k) Submit a copy of the report to the city or county election board.
(l) Submit a copy of the report to the city or county election board.
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(pp) Submit a copy of the report to the city or county election board.
(qq) Submit a copy of the report to the city or county election board.

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(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;
(4) The number of ballots voted on the mechanical recording device for that day; and
(5) The number of signatures in the roster for early voting for that day.
(b) Secure:
(1) The ballots pursuant to the plan for security required by NRS 293C.3504; and
(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3504.
2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:
(a) The statements for all polling places for early voting;
(b) The voting rosters used for early voting;
(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and
(d) Any other items as determined by the city clerk.
3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:
(a) Sort the items by precinct or voting district;
(b) Count the number of ballots voted by precinct or voting district;
(c) Account for all ballots on an official statement of ballots; and
(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the items to the central counting place.

Sec. 25.
NRS 294A.120 is hereby amended to read as follows:
294A.120  1. Every candidate for office at a primary election or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:
(a) Each contribution in excess of $100 received during the period;
(b) Contributions received during the period from a contributor which cumulatively exceed $100; and
(c) The total of all contributions received during the period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b).
The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.
2. [Every] Except as otherwise provided in subsection 3, every candidate for office at a primary election or general election shall, not later than:
   (a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;
   (b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;
   (c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and
   (d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,
report each contribution described in subsection 1 received during the period.

3. If the primary election for the office for which he or she is a candidate is held:
   (a) On or before January 6, the candidate is not required to submit any report pursuant to paragraph (a) or (b) of subsection 2;
   (b) After January 6 but on or before February 1, every candidate who is required to submit reports pursuant to subsection 2 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection 2, submit a single report not later than 4 days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.

4. Except as otherwise provided in subsections 4, 5 and 6 and NRS 204A.223, every candidate for office at a special election shall, not later than:
   (a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate’s nomination through 5 days before the beginning of early voting by personal appearance for the special election;
   (b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and
   (c) Thirty days after the special election, for the remaining period through the date of the special election,
report each contribution described in subsection 1 received during the period.
4. Except as otherwise provided in subsection 5, 6 and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through the 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election.

5. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court’s order, report each contribution described in subsection 1 received during the period.

6. Except as otherwise provided in NRS 294A.3733, reports of contributions must be filed electronically with the Secretary of State.

7. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period. (Deleted by amendment.)

Sec. 26. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of $1,000; and

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of $1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this
subsection apply, for the period from January 1 of the previous year through
December 31 of the previous year, report each contribution in excess of
$1,000 received during the period and contributions received during the
period from a contributor which cumulatively exceed $1,000. The provisions
of this subsection apply to the person, committee or political party beginning
the year of the general election for that office through the year immediately
preceding the next general election for that office.

3. Except as otherwise provided in subsection 4, every person,
committee and political party described in subsection 1 shall, not later than:
(a) Twenty-one days before the primary election for that office, for the
period from the January 1 immediately preceding the primary election
through 25 days before the primary election;
(b) Four days before the primary election for that office, for the period
from 24 days before the primary election through 5 days before the primary
election;
(c) Twenty-one days before the general election for that office, for the
period from 4 days before the primary election through 25 days before the
general election; and
(d) Four days before the general election for that office, for the period
from 24 days before the general election through 5 days before the general
election,
report each contribution in excess of $1,000 received during the period
and contributions received during the period from a contributor which
cumulatively exceed $1,000.

4. If the primary election for the office for which the candidate or a
candidate in the group of candidates seeks election is held:
(a) On or before January 6, a person, committee or political party is not
required to submit any report pursuant to paragraphs (a) or (b) of
subsection 3;
(b) After January 6 but on or before February 1, every person,
committee or political party which is required to submit reports pursuant to
subsection 3 shall, in lieu of the reports required by paragraphs (a) and (b)
of subsection 3, submit a single report not later than 4 days before the
primary election, for the period from the January 1 immediately preceding
the primary election through 5 days before the primary election.

5. Except as otherwise provided in subsections 5, 6 and 7 and NRS
294A.223, every person, committee and political party described in
subsection 1 which makes an independent expenditure or other expenditure,
as applicable, for or against a candidate for office at a special election or for
or against a group of such candidates shall, not later than:
(a) Four days before the beginning of early voting by personal appearance
for the special election, for the period from the nomination of the candidate
through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election, and

(c) Thirty days after the special election, for the remaining period through the date of the special election.

report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.

5. Except as otherwise provided in subsection 6, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such special elections shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election, and

(c) Thirty days after the special election, for the remaining period through the date of the special election.

report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.

6. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court’s order, report each contribution in excess of $1,000 received during the period and contributions received during the period which cumulatively exceed $1,000.
Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.

A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Every person, committee and political party described in this section shall file a report required by this section even if the person, committee or political party receives no contributions.

The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of $1,000 since the beginning of the current reporting period. (Deleted by amendment.)

Sec. 27. NRS 294A.150 is hereby amended to read as follows:

Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election or general election shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each contribution in excess of $1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed $1,000. The provisions of this subsection apply to the committee for political action:

(a) Each year in which an election is held for each question for which the committee for political action advocates passage or defeat; and

(b) The year after the year described in paragraph (a).

Except as otherwise provided in subsection 3, a committee for political action described in subsection 1 shall, not later than:

(a) Twenty-one days before the primary election, for the period from January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election, for the period from 24 days before the general election through 5 days before the general election.

If the primary election is held:
(a) On or before January 6, a committee for political action is not required to submit any report pursuant to paragraphs (a) or (b) of subsection 2.

(b) After January 6 but on or before February 1, every committee for political action which is required to submit reports pursuant to subsection 2 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection 2, submit a single report not later than 4 days before the primary election, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.

4. Except as otherwise provided in NRS 294A.223, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.

5. The provisions of this section apply to a committee for political action even if the question or group of questions that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order or otherwise does not appear on the ballot at a primary, general or special election.

6. Except as otherwise provided in NRS 294A.3737, the reports required pursuant to this section must be filed electronically with the Secretary of State.

7. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

8. If the committee for political action is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition. (Deleted by amendment.)

Sec. 28—NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for office at a primary election or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:
(a) Each of the campaign expenses in excess of $100 incurred during the period;
(b) Each amount in excess of $100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 during the period;
(c) The total of all campaign expenses incurred during the period which are $100 or less; and
(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 which are $100 or less.

2. The provisions of subsection 1 apply to the candidate:
(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and
(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.

3. Except as otherwise provided in subsection 4, every candidate for office at a primary election or general election shall, not later than:
(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;
(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;
(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and
(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election.

Report each of the campaign expenses described in subsection 1 incurred during the period.

4. If the primary election for the office for which he or she is a candidate is held:
(a) On or before January 6, the candidate is not required to submit any report pursuant to paragraph (a) or (b) of subsection 3.
(b) After January 6 but on or before February 1, every candidate who is required to submit reports pursuant to subsection 3 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection 3, submit a single report not later than 4 days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.

5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every candidate for office at a special election shall, not later than:
(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

report each of the campaign expenses described in subsection 1 incurred during the period.

(5) Except as otherwise provided in subsection (6) and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

report each of the campaign expenses described in subsection 1 incurred during the period.

(6) Except as otherwise provided in subsection (7), and NRS 294A.223, reports of campaign expenses must be filed electronically with the Secretary of State.

(7) If a district court determines that a petition for recall is legally insufficient pursuant to subsection (6) of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each of the campaign expenses described in subsection 1 incurred during the period.

(8) Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

(9) A report shall be deemed to be filed on the date that it was received by the Secretary of State. (Deleted by amendment.)

Sec. 29. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of $1,000; and
(b) Every committee for political action, political party, or committee sponsored by a political party which receives contributions in excess of $1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee, and political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee, or political party, for the period from January 1 of the previous year through December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of $1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000. The provisions of this subsection apply to the person, committee, or political party beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

3. [Every] Except as otherwise provided in subsection 4, every person, committee, and political party described in subsection 1 shall, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election;

report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

4. If the primary election for the office for which the candidate or a candidate in the group of candidates seeks election is held:

(a) On or before January 6, a person, committee, or political party is not required to submit any report pursuant to paragraph (a) or (b) of subsection 3.

(b) After January 6 but on or before February 1, every person, committee, or political party which is required to submit reports pursuant to subsection 3 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection 3, submit a single report not later than 4 days before the
primary election, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.

5. Except as otherwise provided in subsection [5] 6 and [6] 7 of NRS 204A.222, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

[5] 6. Except as otherwise provided in subsection [6] 7 of NRS 204A.222, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

[6] 7. If a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person,
committee and party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

7. Independent expenditures and other expenditures made within the State or made elsewhere but for use within the State, including independent expenditures and other expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

8. Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

9. If an independent expenditure or other expenditure, as applicable, is made for or against a group of candidates, the reports must be itemized by the candidate.

10. A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions. (Deleted by amendment.)

Sec. 30. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election or general election shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period for or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 and such expenditures made during the period to one recipient that cumulatively exceed $1,000. The provisions of this subsection apply to the committee for political action:

(a) Each year in which an election is held for a question for which the committee for political action advocates passage or defeat;

(b) The year after the year described in paragraph (a).

2. Except as otherwise provided in subsection 3, a committee for political action described in subsection 1 shall, not later than:
(a) Twenty-one days before the primary election, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election, for the period from 24 days before the general election through 5 days before the general election, report each expenditure made during the period for or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 and such expenditures made during the period to one recipient that cumulatively exceed $1,000.

3. If the primary election is held:

(a) On or before January 6, a committee for political action is not required to submit any report pursuant to paragraph (a) or (b) of subsection 2.

(b) After January 6 but on or before February 1, every committee for political action which is required to submit reports pursuant to subsection 2 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection 2, submit a single report not later than 4 days before the primary election, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.

4. Except as otherwise provided in NRS 294A.223, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the question qualified for the ballot through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election, report each expenditure made during the period for or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 and such expenditures made during the period to one recipient that cumulatively exceed $1,000.

5. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing,
television and radio broadcasting or other production of the media, must be included in the report.

5. The provisions of this section apply to a committee for political action even if the question or group of questions that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order or otherwise does not appear on the ballot at a primary, general or special election.

6. Except as otherwise provided in NRS 294A.3737, reports required pursuant to this section must be filed electronically with the Secretary of State.

7. If an expenditure is made for or against a group of questions, the reports must be itemized by question or petition.

8. A report shall be deemed to be filed on the date that it was received by the Secretary of State. (Deleted by amendment.)

Sec. 31. Chapter 298 of NRS is hereby amended by adding thereto the provisions set forth as sections 32 to 38, inclusive, of this act.

Sec. 31.1. As used in sections 31.1 to 31.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 31.15, 31.2 and 31.25 of this act have the meanings ascribed to them in those sections.

Sec. 31.15. "Party" means a major political party.

Sec. 31.2. "State central committee" means the state central committee of a party.

Sec. 31.25. "Working day" means a day on which the Office of the Secretary of State is regularly open for the transaction of business.

Sec. 31.3. 1. The Secretary of State may adopt regulations to carry out the provisions of sections 31.1 to 31.9, inclusive, of this act.

2. To the extent possible, the provisions of chapters 293 and 293B of NRS governing the conduct of a primary election also govern the conduct of a presidential preference primary election and must be given effect to the extent that the provisions of chapters 293 and 293B of NRS do not conflict with the provisions of sections 31.1 to 31.9, inclusive, of this act and the regulations adopted by the Secretary of State to carry out those provisions.

3. If there is a conflict between the provisions of chapters 293 and 293B of NRS and the provisions of 31.1 to 31.9, inclusive, of this act and the regulations adopted by the Secretary of State to carry out those provisions, the provisions of sections 31.1 to 31.9, inclusive, of this act and the regulations adopted by the Secretary of State to carry out those provisions control.

Sec. 31.4. 1. Except as otherwise provided in this section, in a presidential election year, a state central committee may submit a request
to the Secretary of State pursuant to section 31.5 of this act to cause a
presidential preference primary election to be held to determine the
preferences of the registered voters of the party regarding the party’s
nominee for President of the United States.

2. If a state central committee submits a proper request to the Secretary
of State pursuant to section 31.5 of this act and, after the date of the close
of filing of declarations of candidacy pursuant to section 31.6 of this act,
there are fewer than two candidates of the party who have filed
declarations of candidacy, the Secretary of State shall not cause a
presidential preference primary election to be held for the party.

Sec. 31.5. 1. To submit a request to the Secretary of State to cause a
presidential preference primary election to be held for the party, the state
central committee must submit the request on a form prescribed by the
Secretary of State not later than 5 p.m. on the last working day of
September of the year immediately preceding the presidential election year.

2. Except as otherwise provided in subsection 3, the state central
committee shall specify in its request the proposed date for the presidential
preference primary election, which must be held on a single working day in
February of the presidential election year.

3. If more than one state central committee intends to submit a request
to the Secretary of State to cause a presidential preference primary election
to be held in the same presidential election year, the state central
committees shall confer and make a good faith effort to agree on the same
proposed date before submitting their requests to the Secretary of State. If
the state central committees are unable to agree on the same proposed date,
they shall inform the Secretary of State of their disagreement in their
requests, and the Secretary of State shall set the proposed date for the
presidential preference primary election, which must be held on a single
working day in February of the year of the presidential election.

4. If a state central committee submits a proper request to the Secretary
of State pursuant to this section, the Secretary of State shall provide public
notice of the proposed date for the presidential preference primary election
and the period for filing declarations of candidacy pursuant to section 31.6
of this act.

Sec. 31.6. 1. If a person who meets the qualifications to be a party’s
nominee for President of the United States wants to appear on the ballot
for a presidential preference primary election, the person must file with the
Secretary of State a declaration of candidacy on a form prescribed by the
Secretary of State not earlier than October 1 and not later than October 15
of the year immediately preceding the presidential election year.

2. If, after the date of the close of filing of declarations of candidacy
pursuant to this section, there are two or more qualified candidates of the
party who have filed declarations of candidacy, the Secretary of State shall cause a presidential preference primary election to be held for the party.

Sec. 31.7. 1. If the Secretary of State causes a presidential preference primary election to be held for a party, the Secretary of State shall forward to each county clerk the name of each candidate of the party whose name must appear on the ballot for the presidential preference primary election.

2. The county clerk:
   (a) Shall establish polling places for voting by registered voters of the party only on the day of the presidential preference primary election and shall ensure that the polling places remain open from 8 a.m. until at least 8 p.m. on that day.
   (b) Shall provide by rule or regulation a method for a registered voter of the party to cast an absent ballot in the presidential preference primary election.
   (c) Shall not establish any polling places for early voting by personal appearance for the presidential preference primary election, and no registered voter of the party may request to vote early for the presidential preference primary election.

3. Each registered voter of the party is eligible to vote at the presidential preference primary election for one candidate on the ballot as the voter's preference to be the party's nominee for President of the United States.

Sec. 31.8. 1. Immediately after a presidential preference primary election, the Secretary of State shall compile the returns for each candidate of the party whose name appeared on the ballot.

2. The Secretary of State shall make out and file in his or her office an abstract of the returns and shall certify the number of votes received by each candidate to:
   (a) The state central committee; and
   (b) The national committee if necessary to comply with the rules and regulations of the party.

Sec. 31.9. If the Secretary of State causes a presidential preference primary election to be held for a party, the cost of the election is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 32. Except as otherwise provided in sections 32 to 38, inclusive, of this act or other specific statute, the provisions of chapters 293 and 293B of NRS relating to a primary election also govern a presidential preference primary election. (Deleted by amendment.)

Sec. 33. Not later than 5 p.m. on September 30 of the year preceding a presidential election year, the state central committee of each
major political party shall notify the Secretary of State, in writing, whether the party will participate in a presidential preference primary election.

2. If the Secretary of State receives a notice pursuant to subsection 1 that a major political party will participate in a presidential preference primary election and:

(a) More than one candidate of that party files a declaration of candidacy pursuant to section 34 of this act, a presidential preference primary election for that party must be held in conjunction with the primary election held pursuant to NRS 293.175.

(b) Only one candidate of that party files a declaration of candidacy pursuant to section 34 of this act, a presidential preference primary election for that party must not be held and that candidate must be certified by the Secretary of State in the manner provided in subsection 5 of NRS 293.387.

Sec. 34. 1. A person who wishes to be a candidate for nomination for President of the United States for a major political party must, not earlier than October 1 and not later than 5 p.m. on October 15 of the year preceding a presidential election year, file with the Secretary of State a declaration of candidacy in the form prescribed by the Secretary of State.

2. A person who files a declaration of candidacy pursuant to this section is not required to file a declaration of candidacy or an acceptance of candidacy pursuant to NRS 293.177.

Sec. 35. The Secretary of State shall include in the certified list forwarded to each county clerk pursuant to NRS 293.187 the name and mailing address of each person whose name must appear on the primary ballot for the presidential preference primary election.

Sec. 36. 1. The names of the candidates for nomination for President of the United States for each major political party for which a presidential preference primary election is held must be printed on the primary ballot for the election.

2. Each voter registered with a party for which a presidential preference primary election is held may vote for one person to be the nominee for President of the United States for that party.

Sec. 37. If a presidential preference primary election is held pursuant to sections 32 to 38, inclusive, of this act, the cost of the election is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.
Sec. 38. The Secretary of State may adopt regulations to carry out the provisions of sections 32 to 38, inclusive, of this act. (Deleted by amendment.)

Sec. 39. NRS 218A.635 is hereby amended to read as follows:

NRS 218A.635. 1. Except as otherwise provided in subsections 2 and 3, for each day or portion of a day during which a Legislator attends a presession orientation conference, a training session conducted pursuant to NRS 218A.285 or a conference, meeting, seminar or other gathering at which the Legislator officially represents the State of Nevada or its Legislature, the Legislator is entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;
(b) The per diem allowance provided for state officers and employees generally; and
(c) The travel expenses provided pursuant to NRS 218A.655.

2. A nonreturning Legislator must not be paid the compensation or per diem allowance and travel expenses provided in subsection 1 for attendance at a conference, meeting, seminar or other gathering unless:

(a) It is conducted by a statutory committee or a legislative committee and the Legislator is a member of that committee; or
(b) The Majority Leader of the Senate or Speaker of the Assembly designates the Legislator to attend because of the Legislator's knowledge or expertise.

3. For the purposes of this section, "nonreturning Legislator" means a Legislator who:

(a) In the year preceding the year in which his or her term expires:
   (1) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly; or
   (2) Has withdrawn as a candidate for the Senate or the Assembly;

(b) In the year in which his or her term expires, has failed to win nomination as a candidate for the Senate or the Assembly at the primary election;

(c) Has withdrawn as a candidate for the Senate or the Assembly.

4. This section does not apply:

(a) During a regular or special session; or
(b) To any Legislator who is otherwise entitled to receive a salary and the per diem allowance and travel expenses. (Deleted by amendment.)

Sec. 40. NRS 218D.150 is hereby amended to read as follows:

218D.150. 1. Except as otherwise provided in this section, each:

(a) Incumbent member of the Assembly may request the drafting of...
(1) Not more than 4 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;
(2) Not more than 5 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and
(3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(b) Incumbent member of the Senate may request the drafting of:
(1) Not more than 8 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;
(2) Not more than 10 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and
(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(c) Newly elected member of the Assembly may request the drafting of:
(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and
(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(d) Newly elected member of the Senate may request the drafting of:
(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and
(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

2. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, “nonreturning Legislator” means a Legislator who:

(a) In the year preceding the year in which his or her term expires:
   (1) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly; or
   (2) Has withdrawn as a candidate for the Senate or the Assembly; or
(b) Has in the year in which his or her term expires, failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or
3. A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.

4. If a request made pursuant to subsection 1 is submitted:

(a) On or before August 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before November 1 preceding the regular session.

(b) After August 1 but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.

(c) After a regular session has convened but on or before the 8th day of the regular session at 5 p.m., sufficient detail to allow complete drafting of the legislative measure must be submitted on or before the 15th day of the regular session.

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

6. If a request made pursuant to subsection 5 is submitted:
(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.

(b) After the date of the general election but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.

7. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. (Deleted by amendment.)

Sec. 41. [NRS 281.561 is hereby amended to read as follows:

281.561 1. Except as otherwise provided in subsections 2 and 3 and NRS 281.572, each candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that the candidate is seeking, each candidate for the office of Legislator and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which the public officer is serving shall file electronically with the Secretary of State a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) or in the immediately succeeding year, if the candidate is elected to the office.

(b) If the last day to qualify as a candidate for nomination, election or reelection to public office is established by NRS 293.177 for a candidate, the candidate shall file a statement of financial disclosure on or after January 1 and on or before January 15 of the year in which the election for the office will be held. The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

(c) Each public officer shall file a statement of financial disclosure on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and
(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.559, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

5. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.

6. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.

7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.

Sec. 42. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 621.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235 and section 31.9 of this act;

(b) The payment of claims which are obligations of the State pursuant to:
(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and
(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153, except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;
(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and
(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 43. Section 1.060 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 313, Statutes of Nevada 1983, at page 756, is hereby amended to read as follows:
Sec. 1.060  Wards: Creation; boundaries.
  1. Carson City must be divided into four wards, which must be as nearly equal in population as can be conveniently provided, and the territory comprising each ward must be contiguous.
  2. The boundaries of wards must be established and realigned, if necessary, by ordinance, passed by a vote of at least three-fifths of the Board of Supervisors.
  3. The Board shall realign any such boundaries on or before September 30 of the year preceding the next general election at which Supervisors are to be elected, if reliable evidence indicates that the population in any ward exceeds the population in any other ward by more than 5 percent. In any case, the Board shall reconsider the boundaries of the wards upon the receipt of the necessary information from the preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce. (Deleted by amendment.)
Sec. 44. The Secretary of State shall adopt such regulations and prescribe such forms as are required by or necessary to carry out the provisions of:

1. NRS 292.177, as amended by section 9 of this act, so that the regulations and forms are effective and available for distribution and use on or before August 1, 2015.
2. Sections 1 to 7, inclusive, 10 to 30, inclusive, and 41 of this act so that the regulations and forms are effective and available for distribution and use on or before October 1, 2015.
3. Sections 32 to 38, inclusive, sections 31.1 to 31.9, inclusive, of this act so that the regulations and forms are effective and available for distribution and use on or before July 1, 2017, as soon as practicable before the next presidential election year.

Sec. 45. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and prescribing forms; and
2. On July 1, 2015, for all other purposes.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 380.
Bill read third time.
The following amendment was proposed by the Committee on Taxation:
Amendment No. 431.
AN ACT relating to taxation; enacting provisions relating to the imposition, collection and remittance of sales and use taxes by retailers located outside this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
The Commerce Clause of the United States Constitution prohibits a state from requiring a retailer to collect sales and use taxes unless the activities of the retailer have a substantial nexus with the taxing state. (Quill Corp. v. North Dakota, 504 U.S. 298 (1992)) Existing law requires every retailer whose activities create such a nexus with this State to impose, collect and remit the sales and use taxes imposed in this State. (NRS 372.724, 374.724)
This bill provides that a retailer who engages in certain specified activities is required to collect and remit the sales and use taxes imposed in this State.

Section 1 of this bill requires the Department of Taxation to submit a report to the Director of the Legislative Counsel Bureau concerning each finding, ruling or agreement by the Department or the Nevada Tax Commission which provides that the provisions of existing law requiring a retailer to impose, collect and remit sales and use taxes do not apply to the retailer even though the retailer or an affiliate owns or operates a warehouse, distribution center, fulfillment center or other similar facility in this State.

Sections 2 and 5 of this bill enact provisions based on a Colorado law which creates a presumption that a retailer is required to impose, collect and remit sales and use taxes if the retailer is: (1) part of a controlled group of business entities that has a component member who has physical presence in this State; and (2) the component member with such physical presence engages in certain activities in this State that relate to the ability of the retailer to make retail sales to residents of this State. (Ch. 364, Colo. Session Laws 2014, at p. 1740) Under sections 2 and 5, a retailer may rebut this presumption by providing proof that the component member with physical presence in this State did not engage in any activity in this State on behalf of the retailer that would constitute a sufficient nexus under the United States Constitution, that was significantly associated with the retailer’s ability to establish or maintain a market in this State for the retailer’s products or services.

Sections 3 and 6 of this bill enact a provision based on a New York law which creates a presumption that a retailer is required to impose, collect and remit sales and use taxes if: (1) the retailer enters into an agreement with a resident of this State under which the resident receives certain consideration for referring potential customers to the retailer through a link on the resident’s Internet website or otherwise; and (2) the cumulative gross receipts from sales by the retailer to customers in this State through all such referrals exceeds a certain amount during the preceding four quarterly periods. A retailer may rebut this presumption by providing proof that each resident with whom the retailer has an agreement did not engage in any solicitation in this State on behalf of the retailer that would satisfy the nexus requirement of the United States Constitution, activity that was significantly associated with the retailer’s ability to establish or maintain a market in this State for the retailer’s products or services during the preceding four quarterly periods. In Overstock.com v. New York State Department of Taxation and Finance, 987 N.E.2d 621 (2013), the New York Court of Appeals held that the New York law is facially constitutional because, through these agreements with New York residents, a retailer may establish a
sufficient nexus with the State of New York to satisfy the requirements of the United States Constitution.

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

Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

Not later than 30 days after the Department or the Nevada Tax Commission makes a finding or ruling, or enters into an agreement with a retailer providing, that the provisions of chapters 372 and 374 of NRS relating to the imposition, collection and remittance of the sales tax, and the collection and remittance of the use tax, do not apply to the retailer, despite the presence in this State of an office, distribution facility, warehouse or storage place or similar place of business which is owned or operated by the retailer or an affiliate of the retailer, whether the finding, ruling or agreement is written or oral and whether the finding, ruling or agreement is express or implied, the Department shall submit a report of the finding, ruling or agreement to the Director of the Legislative Counsel Bureau for transmittal to:

1. If the Legislature is in session, the Legislature; or
2. If the Legislature is not in session, the Legislative Commission.

Sec. 1.5. Chapter 372 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. Except as otherwise provided in this section, it is presumed that the provisions of this chapter relating to the imposition, collection and remittance of the sales tax, and the collection and remittance of the use tax, apply to a retailer if:
(a) The retailer is part of a controlled group of corporations that has a component member, other than a common carrier, acting in its capacity as such, that has physical presence in this State; and
(b) The component member with physical presence in this State:
   (1) Sells a similar line of products or services as the retailer and does so under a business name that is the same or similar to that of the retailer;
   (2) Maintains an office, distribution facility, warehouse or storage place or similar place of business in this State to facilitate the delivery of tangible personal property sold by the retailer to the retailer’s customers;
   (3) Uses trademarks, service marks or trade names in this State that are the same or substantially similar to those used by the retailer;
   (4) Delivers, installs, assembles or performs maintenance services for the retailer’s customers within this State; and
   (5) Facilitates the retailer’s delivery of tangible personal property to customers in this State by allowing the retailer’s customers to pick up
tangible personal property sold by the retailer at an office, distribution
facility, warehouse, storage place or similar place of business maintained
by the component member in this State; or

(6) Conducts any other activities in this State that are significantly
associated with the retailer’s ability to establish and maintain a market in
this State for the retailer’s products or services.

2. A retailer may rebut the presumption set forth in subsection 1 by
providing proof satisfactory to the Department that, during the calendar
year in question, the activities of the component member with physical
presence in this State did not engage in any activity in this State on behalf
of the retailer that would constitute a sufficient nexus to satisfy the
requirements of the United States Constitution. A retailer has the burden of
establishing that the requirements of this subsection are satisfied.

3. In administering the provisions of this chapter, the Department shall
construe the terms “seller,” “retailer” and “retailer maintaining a place of
business in this State” in accordance with the provisions of this section.

4. As used in this section:

(a) “Component member” has the meaning ascribed to it in section
1563(b) of the Internal Revenue Code, 26 U.S.C. § 1563(b), and includes
any entity that, notwithstanding its form of organization, bears the same
ownership relationship to the retailer as a corporation that would qualify
as a component member of the same controlled group of corporations as
the retailer.

(b) “Controlled group of corporations” has the meaning ascribed to it in
section 1563(a) of the Internal Revenue Code, 26 U.S.C. § 1563(a), and
includes any entity that, notwithstanding its form of organization, bears the
same ownership relationship to the retailer as a corporation that would
qualify as a component member of the same controlled group of
corporations as the retailer.

Sec. 3. 1. Except as otherwise provided in this section, it is presumed
that the provisions of this chapter relating to:

(a) The imposition, collection and remittance of the sales tax; and

(b) The collection and remittance of the use tax,
apply to every retailer who enters into an agreement with a resident of
this State under which the resident, for a commission or other
consideration based upon the sale of tangible personal property by the
retailer, directly or indirectly refers potential customers, whether by a link
on an Internet website or otherwise, to the retailer, if the cumulative gross
receipts from sales by the retailer to customers in this State who are
referred to the retailer by all residents with this type of an agreement with
the retailer is in excess of $10,000 during the preceding four quarterly periods ending on the last day of March, June, September and December.

2. A retailer may rebut the presumption set forth in subsection 1 by providing proof satisfactory to the Department that each resident with whom the retailer has an agreement did not engage in any solicitation activity in this State that was significantly associated with the retailer’s ability to establish or maintain a market in this State for the retailer’s products or services during the preceding four quarterly periods ending on the last day of March, June, September and December. Such proof may consist of the sworn written statements of each resident with whom the retailer has an agreement stating that the resident did not engage in any solicitation in this State on behalf of the retailer that would constitute a sufficient nexus to satisfy the requirements of the United States Constitution. A retailer has the burden of establishing that the requirements of this subsection are satisfied during the preceding four quarterly periods ending on the last day of March, June, September and December, if the statements were obtained from each resident and provided to the Department in good faith.

3. In administering the provisions of this chapter, the Department shall construe the terms “seller,” “retailer” and “retailer maintaining a place of business in this State” in accordance with the provisions of this section.

Sec. 4. Chapter 374 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. 1. Except as otherwise provided in this section, it is presumed that the provisions of this chapter relating to the imposition, collection and remittance of the sales tax, and the collection and remittance of the use tax, apply to a retailer if:
   (a) The retailer is part of a controlled group of corporations that has a component member, other than a common carrier acting in its capacity as such, that has physical presence in this State; and
   (b) The component member with physical presence in this State:
      (1) Sells a similar line of products or services as the retailer and does so under a business name that is the same or similar to that of the retailer;
      (2) Maintains an office, distribution facility, warehouse or storage place or similar place of business in this State to facilitate the delivery of tangible personal property sold by the retailer to the retailer’s customers;
      (3) Uses trademarks, service marks or trade names in this State that are the same or substantially similar to those used by the retailer;
      (4) Delivers, installs, assembles or performs maintenance services for the retailer’s customers within this State;
      (5) Facilitates the retailer’s delivery of tangible personal property to customers in this State by allowing the retailer’s customers to pick up
tangible personal property sold by the retailer at an office, distribution facility, warehouse, storage place or similar place of business maintained by the component member in this State; or

(6) Conducts any other activities in this State that are significantly associated with the retailer’s ability to establish and maintain a market in this State for the retailer’s products or services.

2. A retailer may rebut the presumption set forth in subsection 1 by providing proof satisfactory to the Department that, during the calendar year in question, the activities of the component member with physical presence in this State did not engage in any activity in this State on behalf of the retailer that would constitute a sufficient nexus to satisfy the requirements of the United States Constitution. A retailer has the burden of establishing that the requirements of this subsection are satisfied.

3. In administering the provisions of this chapter, the Department shall construe the terms “seller,” “retailer” and “retailer maintaining a place of business in this State” in accordance with the provisions of this section.

4. As used in this section:

(a) “Component member” has the meaning ascribed to it in section 1563(b) of the Internal Revenue Code, 26 U.S.C. § 1563(b), and includes any entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that would qualify as a component member of the same controlled group of corporations as the retailer.

(b) “Controlled group of corporations” has the meaning ascribed to it in section 1563(a) of the Internal Revenue Code, 26 U.S.C. § 1563(a), and includes any entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that would qualify as a component member of the same controlled group of corporations as the retailer.

Sec. 6. 1. Except as otherwise provided in this section, it is presumed that the provisions of this chapter relating to:

(a) The imposition, collection and remittance of the sales tax; and

(b) The collection and remittance of the use tax,

apply to every retailer who enters into an agreement with a resident of this State under which the resident, for a commission or other consideration based upon the sale of tangible personal property by the retailer, directly or indirectly refers potential customers, whether by a link on an Internet website or otherwise, to the retailer, if the cumulative gross receipts from sales by the retailer to customers in this State who are referred to the retailer by all residents with this type of an agreement with
the retailer is in excess of $10,000 during the preceding four quarterly periods ending on the last day of March, June, September and December.

2. A retailer may rebut the presumption set forth in subsection 1 by providing proof satisfactory to the Department that each resident with whom the retailer has an agreement did not engage in any [solicitation] activity in this State that was significantly associated with the retailer's ability to establish or maintain a market in this State for the retailer's products or services during the preceding four quarterly periods ending on the last day of March, June, September and December. Such proof may consist of the sworn written statements of each resident with whom the retailer has an agreement stating that the resident did not engage in any solicitation in this State on behalf of the retailer [that would constitute a sufficient nexus to satisfy the requirements of the United States Constitution. A retailer has the burden of establishing that the requirements of this subsection are satisfied during the preceding four quarterly periods ending on the last day of March, June, September and December, if such statements were obtained from each resident and provided to the Department in good faith.

3. In administering the provisions of this chapter, the Department shall construe the terms “seller,” “retailer” and “retailer maintaining a place of business in this State” in accordance with the provisions of this section.

Sec. 6.5. Notwithstanding the provisions of section 7 of this act, in determining whether, pursuant to sections 3 and 6 of this act, a retailer has rebutted the presumption that the provisions of chapters 372 and 374 of NRS relating to the imposition, collection and remittance of the sales tax, and the collection and remittance of the use tax, apply to the retailer, any quarterly periods preceding October 1, 2015, may be considered.

Sec. 7. 1. This section and sections 1, 1.5, 2, 4 and 5 of this act [become] become effective on July 1, 2015.

2. Sections 3, 6 and 6.5 of this act become effective on October 1, 2015.

Assemblyman Armstrong moved the adoption of the amendment.
Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:
remark
(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 412.
Bill read third time.

The following amendment was proposed by the Committee on Taxation:
Amendment No. 432.

AN ACT relating to public financial administration; authorizing a board of county commissioners to impose certain ad valorem taxes on property in the county; authorizing a board of county commissioners or the board of trustees of a school district, or both, to impose certain ad valorem taxes on property in the county; establishing limitations on the use of money received from any such taxes; exempting property tax increases relating to the reversal of a reduction of taxable value resulting from certain types of obsolescence from the caps on property tax bills; requiring the State Board of Equalization, county boards of equalization and county assessors to submit information regarding the reduction of taxable values based on certain types of obsolescence to the Nevada Tax Commission; requiring the Department of Taxation annually to conduct certain audits; clarifying certain provisions governing the determination of the taxable value of property; revising provisions governing partial abatements of property taxes; requiring the Legislative Auditor to conduct a performance audit of the State Board of Equalization; requiring the State Treasurer, under certain limited circumstances and with the approval of certain local governments, to execute an agreement with the governing body of a local government pursuant to which the State Treasurer agrees to borrow money from the Local Government Pooled Investment Fund and transfer the money to the governing body; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1 of this bill authorizes a board of county commissioners of a county, by a majority vote and without the approval of the registered voters in the county, to impose throughout the county an ad valorem tax at the rate of up to 5 cents per $100 of assessed value on all taxable property in the county. Section 1 provides that the money received from any such tax: (1) must not be allocated or included in the calculation of any amounts to be allocated to or for the benefit of a redevelopment agency; (2) must not be considered as financial ability to pay for the purposes of negotiation, fact-finding or arbitration regarding salaries and benefits of employees of a local government; (3) must not be used to settle or arbitrate disputes or negotiate settlements between an organization that represents employees of a local government and the local government; and (4) must not be used to adjust the schedules of salaries and benefits of the employees of a local government.

Section 15 of this bill authorizes the board of county commissioners of a county or the board of trustees of a school district in the county, or both, by a
majority vote and without the approval of the registered voters in the county, to impose throughout the county an ad valorem tax at the rate of up to 5 cents per $100 of assessed value on all taxable property in the county. Section 15 provides that the board of county commissioners of the county or the board of trustees of the school district may impose any portion of the rate authorized by section 15, but the total rate must not exceed 5 cents per $100 of assessed valuation. Section 15 provides that the money received from any such tax must be used only for the construction and maintenance of public schools within the school district and the purchase by the school district and use by pupils of information technology, except that an amount equal to not more than 2 cents per $100 of assessed valuation of all taxable property in the county may be used by the school district to pay for operating expenses of the school district. Section 15 additionally provides that the money received from any such tax: (1) must not be considered as financial ability to pay for the purposes of negotiation, fact-finding or arbitration regarding salaries and benefits of employees of a local government; (2) must not be used to settle or arbitrate disputes or negotiate settlements between an organization that represents employees of a local government and the local government; (3) must not be used to adjust the schedules of salaries and benefits of the employees of a local government; (4) must not be considered part of the amount of the local funds available to a school district; and (5) must not be included in determining the amount of the basic support guarantees or any other funding provided by the State to a school district. Section 16 of this bill additionally provides that the amount of local funds available does not include the amount of any tax imposed pursuant to section 15.

Section 12 of this bill provides that any tax imposed pursuant to section 1 or 15 is not subject to the provisions of existing law which provide that the total ad valorem tax levy for all public purposes must not exceed $3.64 per $100 of assessed valuation. (NRS 361.453)

Existing law sets forth certain requirements for determining the taxable value of real property. (NRS 361.227) Section 11 of this bill clarifies the applicability of those requirements.

Existing law provides for a partial abatement of property taxes, which effectively establishes an annual cap on increases of property tax bills. (NRS 361.4722) Section 13 of this bill revises the formula for calculating the amount of the partial abatement of property taxes applicable to property other than certain single-family residences and residential rental dwelling units to ensure that the partial abatement cannot be less than 6 percent. Section 14 of this bill provides that the amount of any tax imposed pursuant to section 1 or 15 is exempt from certain partial abatements of property taxes. Section 14 also provides that the amount of tax imposed on the increased value of
property that results from revaluing the property after the taxable value of the property was reduced in a prior year as a result of the use of the income approach to valuation is exempt from certain partial abatements of property taxes. **Section 10** of this bill requires the State Board of Equalization, a county board of equalization or a county assessor that reduces the amount of the assessed value of property that is exempted from such abatements to submit an electronic report of the reduction in assessed value to the Department of Taxation and requires the Department annually to conduct an audit of each such reduction in assessed valuation.

**Section 18** of this bill requires the Legislative Auditor to conduct a performance audit of the State Board of Equalization for Fiscal Year 2016-2017 and report the results of the audit to the Legislature.

**Section 9** of this bill authorizes the governing body of a local government, before August 31, 2015, to submit a proposed agreement to the State Treasurer pursuant to which: (1) the State Treasurer agrees to borrow certain money from the Local Government Pooled Investment Fund; (2) the State Treasurer agrees to transfer such money to the governing body of the local government; and (3) the governing body agrees to repay the principal amount borrowed and any interest. Upon approval of such a proposed agreement by a majority of the local governments that have deposited money for credit to the Fund, **section 9** requires the State Treasurer to: (1) execute the agreement; (2) borrow the specified amount from the Fund; and (3) transfer the money to the local government. **Section 9** provides that the agreement must include, without limitation, a statement identifying the amount of money proposed to be borrowed, a description of the proposed use of the money, terms and conditions for the repayment of the principal and any interest and the rate or rates of interest. **Section 9** also provides that the principal amount borrowed must be repaid not later than the first day of the calendar month that is \([240\text{ months}]\) after the month in which the borrowing occurred. Additionally, **section 9** provides that the full faith and credit of the State is pledged for the payment of the principal and interest.

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

**Section 1.** Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. **In addition to all other taxes imposed on property in a county, the board of county commissioners of the county may, by a majority vote and without the approval of the registered voters in the county, impose an ad valorem tax at the rate of up to 5 cents per $100 of assessed valuation on all taxable property in the county. A tax imposed pursuant to this**
subsection applies throughout the county, including incorporated cities in the county.

2. Except as otherwise specifically provided by statute, any tax imposed pursuant to subsection 1 must be assessed in the same manner and is subject to the provisions of the general laws for the assessment and collection of taxes. The tax must be collected at the same time and by the same officers who assess and collect the state and county taxes. The money received from the tax and any applicable penalty or interest must be remitted to the county treasurer.

3. The Department of Taxation shall add an amount equal to the rate of any tax imposed pursuant to subsection 1 multiplied by the total assessed valuation of the county to the allowed revenue from taxes ad valorem of the county.

4. The money received from any tax imposed pursuant to subsection 1 and any applicable penalty or interest:
   (a) Must not be allocated or included in the calculation of any amounts to be allocated to or for the benefit of a redevelopment agency created pursuant to chapter 279 of NRS.
   (b) Must not be considered as financial ability to pay for the purposes of negotiation, fact-finding or arbitration regarding salaries and benefits of employees of a local government;
   (c) Must not be used to settle or arbitrate disputes or negotiate settlements between an organization that represents employees of a local government and the local government; and
   (d) Must not be used to adjust the schedules of salaries and benefits of the employees of a local government.

Sec. 2. NRS 354.470 is hereby amended to read as follows:
354.470 NRS 354.470 to 354.626, inclusive, and section 1 of this act may be cited as the Local Government Budget and Finance Act.

Sec. 3. NRS 354.472 is hereby amended to read as follows:
354.472 1. The purposes of NRS 354.470 to 354.626, inclusive, and section 1 of this act are:
   (a) To establish standard methods and procedures for the preparation, presentation, adoption and administration of budgets of all local governments.
   (b) To enable local governments to make financial plans for programs of both current and capital expenditures and to formulate fiscal policies to accomplish these programs.
   (c) To provide for estimation and determination of revenues, expenditures and tax levies.
   (d) To provide for the control of revenues, expenditures and expenses in order to promote prudence and efficiency in the expenditure of public money.
(e) To provide specific methods enabling the public, taxpayers and investors to be apprised of the financial preparations, plans, policies and administration of all local governments.

2. For the accomplishment of these purposes, the provisions of NRS 354.470 to 354.626, inclusive, and section 1 of this act must be broadly and liberally construed.

Sec. 4. NRS 354.476 is hereby amended to read as follows:

354.476 As used in NRS 354.470 to 354.626, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 354.479 to 354.578, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 354.594 is hereby amended to read as follows:

354.594 The Committee on Local Government Finance shall determine and advise local government officers of regulations, procedures and report forms for compliance with NRS 354.470 to 354.626, inclusive, and section 1 of this act.

Sec. 6. NRS 354.59811 is hereby amended to read as follows:

354.59811 1. Except as otherwise provided in NRS 244.377, 278C.260, 354.59813, 354.59815, 354.59818, 354.5982, 354.5987, 354.705, 354.723, 450.425, 450.760, 540A.265 and 543.600, and section 1 of this act, for each fiscal year beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies or a redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as general long-term debt of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, or for the payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

(a) The rate must be set so that when applied to the current fiscal year’s assessed valuation of all property which was on the preceding fiscal year’s assessment roll, together with the assessed valuation of property on the central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any decrease attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.
(b) This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.

2. As used in this section, “general long-term debt” does not include debt created for medium-term obligations pursuant to NRS 350.087 to 350.095, inclusive.

Sec. 7. NRS 354.616 is hereby amended to read as follows:

354.616 1. A local governing body may provide for the adjustment of expenses as defined by NRS 354.470 to 354.626, inclusive, and section 1 of this act. Receipts from adjustment of expenses shall be credited to the governmental function to which the reimbursed expense was originally charged.

2. A local governing body may provide for the adjustment of revenues as defined by NRS 354.470 to 354.626, inclusive, and section 1 of this act. Disbursements for adjustment of revenues shall be charged to the revenue account to which the refunded revenue was originally credited.

Sec. 8. NRS 354.626 is hereby amended to read as follows:

354.626 1. No governing body or member thereof, officer, office, department or agency may, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, in excess of the amounts appropriated for that function, other than bond repayments, medium-term obligation repayments and any other long-term contract expressly authorized by law. Any officer or employee of a local government who willfully violates NRS 354.470 to 354.626, inclusive, and section 1 of this act is guilty of a misdemeanor and upon conviction thereof ceases to hold his or her office or employment. Prosecution for any violation of this section may be conducted by the Attorney General or, in the case of incorporated cities, school districts or special districts, by the district attorney.

2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) The purchase of coverage and professional services directly related to a program of insurance which require an audit at the end of the term thereof.

(b) Long-term cooperative agreements as authorized by chapter 277 of NRS.

(c) Long-term contracts in connection with planning and zoning as authorized by NRS 278.010 to 278.630, inclusive.
(d) Long-term contracts for the purchase of utility service such as, but not limited to, heat, light, sewerage, power, water and telephone service.

(e) Contracts between a local government and an employee covering professional services to be performed within 24 months following the date of such contract or contracts entered into between local government employers and employee organizations.

(f) Contracts between a local government and any person for the construction or completion of public works, money for which has been or will be provided by the proceeds of a sale of bonds, medium-term obligations or an installment-purchase agreement and that are entered into by the local government after:

(1) Any election required for the approval of the bonds or installment-purchase agreement has been held;

(2) Any approvals by any other governmental entity required to be obtained before the bonds, medium-term obligations or installment-purchase agreement can be issued have been obtained; and

(3) The ordinance or resolution that specifies each of the terms of the bonds, medium-term obligations or installment-purchase agreement, except those terms that are set forth in subsection 2 of NRS 350.165, has been adopted.

Neither the fund balance of a governmental fund nor the equity balance in any proprietary fund may be used unless appropriated in a manner provided by law.

(g) Contracts which are entered into by a local government and delivered to any person solely for the purpose of acquiring supplies, services and equipment necessarily ordered in the current fiscal year for use in an ensuing fiscal year and which, under the method of accounting adopted by the local government, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

(h) Long-term contracts for the furnishing of television or FM radio broadcast translator signals as authorized by NRS 269.127.

(i) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

(j) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.

(k) The receipt by a local government of increased revenue that:

(1) Was not anticipated in the preparation of the final budget of the local government; and
(2) Is required by statute to be remitted to another governmental entity.
(l) An agreement authorized pursuant to NRS 277A.370.

Sec. 9. NRS 349.074 is hereby amended to read as follows:

349.074 1. The governing body of a local government may, before August 31, 2015, submit to the State Treasurer and to each local government that has deposited money with the State Treasurer for credit to the Local Government Pooled Investment Fund for the purpose of investment, a proposed agreement pursuant to which the State Treasurer agrees to borrow money in accordance with the provisions of this section and transfer such money to the governing body and the governing body agrees to repay the principal amount borrowed and any interest on such amount. The proposed agreement must include, without limitation, a statement of the amount of money proposed to be borrowed, a description of the proposed use of the money, terms and conditions for the repayment by the governing body of the principal amount borrowed by the State Treasurer and transferred to the governing body and the rate or rates of any interest on such amount. Upon approval of the proposed agreement by a majority of the local governments that have deposited money with the State Treasurer for credit to the Local Government Pooled Investment Fund for the purpose of investment, the State Treasurer [may, in 2015:]

(a) Execute the proposed agreement.
(b) In the name and on behalf of the State of Nevada, borrow money and evidence such borrowing by the issuance of one or more notes in an aggregate principal amount set forth in the agreement, but in an amount that does not exceed $160 million.
(c) In accordance with the terms of the agreement, transfer to the governing body the principal amount borrowed pursuant to paragraph (b).

2. Each such note issued pursuant to paragraph (b) of subsection 1:

(a) Must be issued upon the order of the State Treasurer and pursuant to the provisions of the State Securities Law, except to the extent that those provisions are inconsistent with the provisions of this section; and
(b) May be issued without the approval of the State Board of Finance or any other board, commission or agency of this State.

For the purposes of this section and the State Securities Law, the State Treasurer shall be deemed to constitute an agency of the State and any order of the State Treasurer authorizing the issuance of a note pursuant to this section shall be deemed to constitute a resolution authorizing the issuance of the note.

3. Each note authorized pursuant to this section must be:
(a) Issued pursuant to a written contract between the State and the Local Government Pooled Investment Fund, under which the Local Government Pooled Investment Fund agrees to invest in the note or notes issued pursuant to this section. The contract must be executed by the Governor on behalf of the State and by the State Treasurer on behalf of the Local Government Pooled Investment Fund.

(b) Sold to the Local Government Pooled Investment Fund at a price equal to the principal amount borrowed under the note. The total amount invested by the Local Government Pooled Investment Fund in notes issued pursuant to this section must not exceed:

1. Twenty-five percent of the book value of the total investments of the Local Government Pooled Investment Fund on the date of the investment by the Local Government Pooled Investment Fund; or

2. One hundred sixty million dollars, whichever is less. The determination as to whether the requirements of this paragraph are satisfied must be made by the State Treasurer on the date of each investment by the Local Government Pooled Investment Fund in a note issued pursuant to this section. Each such determination shall be deemed to be conclusive and is not affected by any subsequent changes in the book value of the total investments of the Local Government Pooled Investment Fund.

[3.] 4. Except as otherwise provided in subsection 6, the principal amount outstanding on any notes issued pursuant to this section must bear interest payable monthly on the first day of each calendar month, at a rate equal to 50 basis points above the average monthly rate of earnings of all the investments, other than any investments in notes issued pursuant to this section, of money in the Local Government Pooled Investment Fund during the immediately preceding calendar month or rates set forth in the agreement executed pursuant to paragraph (a) of subsection 1, except that such rate or rates must not be less than the rate or rates the State Treasurer determines to be sufficient to enable the sale of the note at a price that is not less than the principal amount thereof.

[4.] 5. The total principal amount borrowed on or before August 31, 2013, pursuant to this section must be repaid in installments in such a manner that:

(a) At least 25 percent of each principal amount borrowed pursuant to this section must be repaid by the first day of the calendar month that is 13 months after the month in which that borrowing occurred;

(b) At least 50 percent of each principal amount borrowed pursuant to this section must be repaid by the first day of the calendar month that is 25 months after the month in which that borrowing occurred;
(c) At least 75 percent of each principal amount borrowed pursuant to this section must be repaid by the first day of the calendar month that is 37 months after the month in which that borrowing occurred; and

(d) The entire total principal amount borrowed pursuant to this section must be repaid by not later than the first day of the calendar month that is [49-360] 240 months after the month in which that borrowing occurred.

The provisions of this subsection do not prohibit the repayment of the principal amount of any note issued pursuant to this section earlier than the periods specified in this subsection.

6. Each note issued pursuant to this section constitutes a general obligation of the State, and the full faith and credit of the State is hereby pledged for the payment of the principal of and interest on the note.

6. If necessary to provide money to any local governments that have invested in the Local Government Pooled Investment Fund, any note issued pursuant to this section, or any portion thereof, may be sold by the Local Government Pooled Investment Fund upon the direction of the State Treasurer. Each note so sold must:

(a) Be payable as to principal on or before the periods specified in subsection 4, except that the note may have a fixed maturity date, without option of redemption, so long as the principal amount of all the notes issued pursuant to this section are retired in accordance with subsection 4.

(b) Bear interest, payable monthly on the first business day of each calendar month, at such a rate or rates as the State Treasurer determines to be sufficient to enable the sale of the note at a price that is not less than the principal amount thereof.

7. Notwithstanding any other provision of law to the contrary, any statutory limitation on the rate of interest that would otherwise apply to securities issued by or on behalf of this State shall be deemed not to apply to any rate of interest payable on any notes issued pursuant to this section.

8. The proceeds from the sale of any notes pursuant to this section to the Local Government Pooled Investment Fund, net of costs of issuance, must be transferred by the State Treasurer to the governing body in accordance with the terms of the agreement executed pursuant to paragraph (a) of subsection 1.


Sec. 10. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the State Board of Equalization, a county board of equalization or a county assessor reduces the taxable value of property as a result of
obsolescence based upon capitalization of the fair economic income expectancy or fair economic rent, or an analysis of the discounted cash flow through the use of the income approach pursuant to paragraph (c) of subsection 5 of NRS 361.227 or the formulas adopted by the Nevada Tax Commission pursuant to subsection 5 of NRS 361.320, the State Board of Equalization, the county board of equalization or the county assessor, as applicable, shall submit electronically to the Department a report, in the form prescribed by the Nevada Tax Commission, which describes the facts supporting each such reduction in assessed valuation and identifies the parcel number of the property.

2. The Department shall annually conduct an audit of each reduction in the portion of assessed valuation of property which, pursuant to subsection 3 of NRS 361.4726, is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724 made by the State Board of Equalization, a county board of equalization or a county assessor.

Sec. 11. NRS 361.227 is hereby amended to read as follows:

361.227 1. Any person, including, without limitation, a county assessor, a county board of equalization, the State Board of Equalization and the Department, determining the taxable value of real property shall appraise:

(a) The full cash value of:

(1) Vacant land by considering the uses to which it may lawfully be put, any legal or physical restrictions upon those uses, the character of the terrain, and the uses of other land in the vicinity.

(2) Improved land consistently with the use to which the improvements are being put.

(b) Any improvements made on the land by subtracting from the cost of replacement of the improvements all applicable depreciation and obsolescence. Depreciation of an improvement made on real property must be calculated at 1.5 percent of the cost of replacement for each year of adjusted actual age of the improvement, up to a maximum of 50 years.

2. The unit of appraisal must be a single parcel unless:

(a) The location of the improvements causes two or more parcels to function as a single parcel;

(b) The parcel is one of a group of contiguous parcels which qualifies for valuation as a subdivision pursuant to the regulations of the Nevada Tax Commission;

(c) In the professional judgment of the person determining the taxable value, the parcel is one of a group of parcels which should be valued as a collective unit.
3. The taxable value of a leasehold interest, possessory interest, beneficial interest or beneficial use for the purpose of NRS 361.157 or 361.159 must be determined in the same manner as the taxable value of the property would otherwise be determined if the lessee or user of the property was the owner of the property and it was not exempt from taxation, except that the taxable value so determined must be reduced by a percentage of the taxable value that is equal to the:
   (a) Percentage of the property that is not actually leased by the lessee or used by the user during the fiscal year; and
   (b) Percentage of time that the property is not actually leased by the lessee or used by the user during the fiscal year, which must be determined in accordance with NRS 361.2275.

4. The taxable value of other taxable personal property, except a mobile or manufactured home, must be determined by subtracting from the cost of replacement of the property all applicable depreciation and obsolescence. Depreciation of a billboard must be calculated at 1.5 percent of the cost of replacement for each year after the year of acquisition of the billboard, up to a maximum of 50 years.

5. The computed taxable value of any property must not exceed its full cash value. Each person determining the taxable value of property shall reduce it if necessary to comply with this requirement. A person determining whether taxable value exceeds that full cash value or whether obsolescence is a factor in valuation may consider:
   (a) Comparative sales, based on prices actually paid in market transactions.
   (b) A summation of the estimated full cash value of the land and contributory value of the improvements.
   (c) Capitalization of the fair economic income expectancy or fair economic rent, or an analysis of the discounted cash flow.

   A county assessor is required to make the reduction prescribed in this subsection if the owner calls to his or her attention the facts warranting it, if the county assessor discovers those facts during physical reappraisal of the property or if the county assessor is otherwise aware of those facts.

6. The Nevada Tax Commission shall, by regulation, establish:
   (a) Standards for determining the cost of replacement of improvements of various kinds.
   (b) Standards for determining the cost of replacement of personal property of various kinds. The standards must include a separate index of factors for application to the acquisition cost of a billboard to determine its replacement cost.
   (c) Schedules of depreciation for personal property based on its estimated life.
(d) Criteria for the valuation of two or more parcels as a subdivision.

7. In determining, for the purpose of computing taxable value, the cost of replacement of:

(a) Any personal property, the cost of all improvements of the personal property, including any additions to or renovations of the personal property, but excluding routine maintenance and repairs, must be added to the cost of acquisition of the personal property.

(b) An improvement made on land, a county assessor may use any final representations of the improvement prepared by the architect or builder of the improvement, including, without limitation, any final building plans, drawings, sketches and surveys, and any specifications included in such representations, as a basis for establishing any relevant measurements of size or quantity.

8. The county assessor shall, upon the request of the owner, furnish within 15 days to the owner a copy of the most recent appraisal of the property, including, without limitation, copies of any sales data, materials presented on appeal to the county board of equalization or State Board of Equalization and other materials used to determine or defend the taxable value of the property.

9. The provisions of this section do not apply to property which is assessed pursuant to NRS 361.320.

Sec. 12. NRS 361.453 is hereby amended to read as follows:

361.453 1. Except as otherwise provided in this section and NRS 354.705, 354.723, 387.3288 and 450.760, and sections 1 and 15 of this act, the total ad valorem tax levy for all public purposes must not exceed $3.64 on each $100 of assessed valuation, or a lesser or greater amount fixed by the State Board of Examiners if the State Board of Examiners is directed by law to fix a lesser or greater amount for that fiscal year.

2. Any levy imposed by the Legislature for the repayment of bonded indebtedness or the operating expenses of the State of Nevada and any levy imposed by the board of county commissioners pursuant to NRS 387.195 that is in excess of 50 cents on each $100 of assessed valuation of taxable property within the county must not be included in calculating the limitation set forth in subsection 1 on the total ad valorem tax levied within the boundaries of the county, city or unincorporated town, if, in a county whose population is less than 45,000, or in a city or unincorporated town located within that county:

(a) The combined tax rate certified by the Nevada Tax Commission was at least $3.50 on each $100 of assessed valuation on June 25, 1998;

(b) The governing body of that county, city or unincorporated town proposes to its registered voters an additional levy ad valorem above the total ad valorem tax levy for all public purposes set forth in subsection 1;
(c) The proposal specifies the amount of money to be derived, the purpose for which it is to be expended and the duration of the levy; and

(d) The proposal is approved by a majority of the voters voting on the question at a general election or a special election called for that purpose.

3. The duration of the additional levy ad valorem levied pursuant to subsection 2 must not exceed 5 years. The governing body of the county, city or unincorporated town may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition set forth in subsection 2.

4. A special election may be held pursuant to subsection 2 only if the governing body of the county, city or unincorporated town determines, by a unanimous vote, that an emergency exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body’s determination is final. As used in this subsection, “emergency” means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the county, city or unincorporated town to prevent or mitigate a substantial financial loss to the county, city or unincorporated town or to enable the governing body to provide an essential service to the residents of the county, city or unincorporated town.

Sec. 13. NRS 361.4722 is hereby amended to read as follows:

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4729, inclusive, the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation
that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The greater of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;

(II) Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or

(III) Six percent; or

(2) Eight percent,

whichever is less.

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4729, inclusive, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, exceeding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property
for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

\[ \text{whichever is greater; and} \]

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

\[ \begin{align*}
(1) & \text{ The greater of:} \\
(I) & \text{ The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;} \\
(II) & \text{ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or} \\
(III) & \text{ Six percent; or} \\
(2) & \text{ Eight percent,} \\
\end{align*} \]

\[ \text{whichever is less.} \]

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section, “remainder parcel of real property” means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

Sec. 14. NRS 361.4726 is hereby amended to read as follows:

361.4726  1. Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an
existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

2. The amount of any tax imposed pursuant to NRS 387.3288 or section 1 or 15 of this act is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

3. The amount of any tax imposed on any increased value of property that results from revaluing the property after the taxable value of the property was reduced in a prior year as a result of obsolescence based upon capitalization of the fair economic income expectancy or fair economic rent, or an analysis of the discounted cash flow through the use of the income approach pursuant to paragraph (c) of subsection 5 of NRS 361.227 or the formulas adopted by the Nevada Tax Commission pursuant to subsection 5 of NRS 361.320, is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

4. For the purposes of this section, “taxing entity” does not include the State.

Sec. 15. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to all other taxes imposed on property in a county, the board of county commissioners of the county or the board of trustees of the school district in the county, or both, may, by a majority vote and without the approval of the registered voters in the county, impose an ad valorem tax at the rate of up to 5 cents per $100 of assessed valuation on all taxable property in the county. Any tax imposed pursuant to this subsection applies throughout the county, including incorporated cities in the county.

2. Except as otherwise specifically provided by statute, any tax imposed pursuant to subsection 1 must be assessed in the same manner and is subject to the provisions of the general laws for the assessment and collection of taxes. The tax must be collected at the same time and by the same officers who assess and collect the state and county taxes. The money received from the tax and any applicable penalty or interest must be remitted to the school district in the county and used as provided in this section.

3. Except as otherwise provided in subsection 4, the money received from any tax imposed pursuant to subsection 1 and any applicable penalty or interest must be used only for the construction and maintenance of public schools in the school district and for the purchase by the school district, and use by pupils in public schools in the school district, of information technology.

4. Notwithstanding the provisions of subsection 3 and except as otherwise provided in subsection 6, of the money received by a school
district from all taxes imposed pursuant to this section, an amount equal to
not more than 2 cents per $100 of assessed valuation of all taxable property
in the county may be used by the school district to pay for operating
expenses of the school district.

5. The board of county commissioners of a county or the board of
trustees of the school district in the county, or both, may impose any
portion of the tax rate authorized by subsection 1, but the total combined
tax rates imposed by the board of county commissioners and the board of
trustees collectively must not exceed the rate authorized by subsection 1.

6. The money received from any tax imposed pursuant to subsection 1
and any applicable penalty or interest:

(a) Must not be considered as financial ability to pay for the purposes of
negotiation, fact-finding or arbitration regarding salaries and benefits of
employees of a local government;

(b) Must not be used to settle or arbitrate disputes or negotiate
settlements between an organization that represents employees of a local
government and the local government;

(c) Must not be used to adjust the schedules of salaries and benefits of
the employees of a local government;

(d) Must not be considered part of the amount of the local funds
computed pursuant to NRS 387.1235; and

(e) Must not be included in determining the amount of the basic support
guarantees or any other funding provided by the State to the school district.

Sec. 16. NRS 387.1235 is hereby amended to read as follows:

387.1235 1. Except as otherwise provided in subsection 2,
subsections 2 and 3, local funds available are the sum of:

(a) The amount of one-third of the tax collected pursuant to subsection 1
of NRS 387.195 for the school district for the concurrent school year; and

(b) The proceeds of the local school support tax imposed by chapter 374
of NRS, excluding any amounts required to be remitted pursuant to NRS
360.850 and 360.855. The Department of Taxation shall furnish an estimate
of these proceeds to the Superintendent of Public Instruction on or before
July 15 for the fiscal year then begun, and the Superintendent shall adjust the
final apportionment of the current school year to reflect any difference
between the estimate and actual receipts.

2. The amount computed under subsection 1 that is attributable to any
assessed valuation attributable to the net proceeds of minerals must be held in
reserve and may not be considered as local funds available until the
succeeding fiscal year.

3. The amount of the local funds computed pursuant to subsection 1
must not include the proceeds of any tax imposed pursuant to section 15 of
this act.
Sec. 17. Section 72 of chapter 371, Statutes of Nevada 2011, at page 2175, is hereby amended to read as follows:

Sec. 72. 1. This section and sections 39, 56, 69, 70 and 71 of this act become effective upon passage and approval.
2. Sections 1 to 38, inclusive, 40 to 55, inclusive, and 57 to 68, inclusive, of this act become effective on July 1, 2011.
3. Section 67 of this act expires by limitation on June 30, 2017.
4. Sections 66 and 68 of this act expire by limitation on September 30, 2017.

Sec. 18. 1. The Legislative Auditor shall conduct a performance audit of the State Board of Equalization during Fiscal Year 2016-2017 and prepare a report of the audit. The State Board of Equalization shall provide such information as is requested by the Legislative Auditor to assist with the completion of the audit.
2. The Legislative Auditor shall present a final written report of the performance audit conducted pursuant to subsection 1 to the Audit Subcommittee of the Legislative Commission not later than January 1, 2019.
3. The provisions of chapter 218G of NRS apply to the performance audit conducted pursuant to subsection 1.

Sec. 19. The provisions of NRS 361.4722, as amended by section 13 of this act, apply to the tax year beginning July 1, 2015, and each succeeding tax year.

Sec. 20. 1. This section and sections 9 and 17 of this act become effective upon passage and approval.
2. Sections 10, 11, 13, 18 and 19 of this act become effective upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act, and on July 1, 2015, for all other purposes.
3. Sections 1 to 8, inclusive, 12, 14, 15 and 16 of this act become effective upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act, and on January 1, 2016, for all other purposes.

Assemblyman Armstrong moved the adoption of the amendment.
Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:
remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.
Assembly Bill No. 4.
Bill read third time.
Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:
remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 4:
Y EAS—42.
N AYS—None.
Assembly Bill No. 4 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 177.
Bill read third time.
Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:
remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 177:
Y EAS—25.
N AYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo,
Diaz, Flores, Joiner, Kirkpatrick, Manford, Neal, Ohrenschild, Spiegel, Sprinkle, Swank,
Thompson—17.
Assembly Bill No. 177 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 191.
Bill read third time.
Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:
remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 191:
Y EAS—34.
Assembly Bill No. 191 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 193.
Bill read third time.
Remarks by Assemblyman O’Neill.

**ASSEMBLYMAN O’NEILL:**

(remarks will be included in the final journal.)

Roll call on Assembly Bill No. 193:

YEAS—34.

NAYS—Armstrong, Diaz, Dickman, Flores, Moore, Munford, Neal, Ohrenschall—8.

Assembly Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 292.

Bill read third time.
Remarks by Assemblyman Oscarson.

**ASSEMBLYMAN OSCARSON:**

(remarks will be included in the final journal.)

Roll call on Assembly Bill No. 292:

YEAS—42.

NAYS—None.

Assembly Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 312.

Bill read third time.
Remarks by Assemblyman Trowbridge.

**ASSEMBLYMAN TROWBRIDGE:**

(remarks will be included in the final journal.)

Roll call on Assembly Bill No. 312:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 6.
Bill read third time.
Remarks by Assemblyman Ohrenschall.

Assemblyman Ohrenschall:

(remarks will be included in the final journal.)

Roll call on Assembly Bill No. 6:
YEA—42.
NAY—None.
Assembly Bill No. 6 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 17.
Bill read third time.
Remarks by Assemblyman Hickey.

Assemblyman Hickey:

(remarks will be included in the final journal.)

Roll call on Assembly Bill No. 17:
YEA—42.
NAY—None.
Assembly Bill No. 17 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 20.
Bill read third time.
Remarks by Assemblyman Trowbridge.

Assemblyman Trowbridge:

(remarks will be included in the final journal.)

Roll call on Assembly Bill No. 20:
YEA—27.
NAY—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo,
Diaz, Flores, Kirkpatrick, Munford, Neal, Ohrenschall, Sprinkle, Swank, Thompson—15.
Assembly Bill No. 20 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 34.
Bill read third time.
Remarks by Assemblywoman Neal.
Assemblywoman Neal:

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 34:
YEAS—42.
NAYS—None.
Assembly Bill No. 34 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate

Assembly Bill No. 47.
Bill read third time.
Remarks by Assemblyman Jones.

Assemblyman Jones:

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 47:
YEAS—41.
NAYS—Moore.
Assembly Bill No. 47 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 49.
Bill read third time.
Remarks by Assemblymen Hansen and Ohrenschall.

Assemblyman Hansen:

Assemblyman Ohrenschall:

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 49:
YEAS—25.
NAYS—Elliot Anderson, Araujo, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Moore, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.
Assembly Bill No. 49 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 54.
Bill read third time.
Remarks by Assemblywoman Neal.
Assemblywoman Neal:

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 54:
Yeas—42.
Nays—None.
Assembly Bill No. 54 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 60.
Bill read third time.
Remarks by Assemblyman Ohrenschall.

Assemblyman Ohrenschall:

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 60:
Yeas—42.
Nays—None.
Assembly Bill No. 60 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 68.
Bill read third time.
Remarks by Assemblyman Wheeler.

Assemblyman Wheeler:

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 68:
Yeas—42.
Nays—None.
Assembly Bill No. 68 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 85.
Bill read third time.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.
Assembly in recess at 12:57 p.m.
ASSEMBLY IN SESSION

At 1:14 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Kirner moved that Assembly Bill No. 85 be placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 86.
Bill read third time.
Remarks by Assemblymen Nelson and Kirner.

ASSEMBLYMAN NELSON:
remark

ASSEMBLYMAN KIRNER:
remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 86:
YEAS—35.
NAYS—Carlton, Dickman, Ellison, Fiore, Jones, Shelton, Titus—7.
Assembly Bill No. 86 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 98.
Bill read third time.
Remarks by Assemblymen O’Neill, Kirkpatrick, and Ellison.

ASSEMBLYMAN O’NEILL:
remark

ASSEMBLYWOMAN KIRKPATRICK:
Remark

ASSEMBLYMAN O’NEILL:
remark

ASSEMBLYMAN ELLISON:
Remark

ASSEMBLYWOMAN KIRKPATRICK:
Remark

ASSEMBLYMAN ELLISON:
Remark
Roll call on Assembly Bill No. 98:
Y E A S — 2 8 .
N A Y S — Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Joiner, Kirkpatrick, Kimer, Munford, Ohrenschall, Sprinkle, Swank, Thompson, Titus—14.

Assembly Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 106.
Bill read third time.
Remarks by Assemblyman Moore.

A S S E M B L Y M A N M O O R E : remark

Roll call on Assembly Bill No. 106:
Y E A S — 4 2 .
N A Y S — None.

Assembly Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 113.
Bill read third time.
Remarks by Assemblyman Thompson.

A S S E M B L Y M A N T H O M P S O N : Remark

Roll call on Assembly Bill No. 113:
Y E A S — 4 2 .
N A Y S — None.

Assembly Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 128.
Bill read third time.
Remarks by Assemblyman Elliot Anderson.

A S S E M B L Y M A N E L L I O T A N D E R S O N : Remark

(REQUESTS WILL BE INCLUDED IN THE FINAL JOURNAL.)
Roll call on Assembly Bill No. 128:
YEAS—42.
NAYS—None.
Assembly Bill No. 128 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 130.
Bill read third time.
Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:
Remark

(REMARGS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 130:
YEAS—42.
NAYS—None.
Assembly Bill No. 130 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 142.
Bill read third time.
Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:
Remark

(REMARGS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 142:
YEAS—24.
NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo,
Diaz, Flores, Joiner, Kirkpatrick, Moore, Munford, Neal, Seaman, Spiegel, Sprinkle, Swank,
Thompson—18.
Assembly Bill No. 142 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 163.
Bill read third time.
Remarks by Assemblymen Hansen, Carlton, and Ellison.

ASSEMBLYMAN HANSEN:
Remark

ASSEMBLYWOMAN CARLTON:
Remark
Assemblyman Hansen:
Remark

Assemblywoman Carlton:
Remark

Assemblyman Ellison:
Remark

(remarks will be included in the final journal.)

Roll call on Assembly Bill No. 163:
YEAS—42.
NAYS—None.
Assembly Bill No. 163 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 170.
Bill read third time.
Remarks by Assemblywoman Dickman.

Assemblywoman Dickman:
Remark

(remarks will be included in the final journal.)

Roll call on Assembly Bill No. 170:
YEAS—42.
NAYS—None.
Assembly Bill No. 170 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 200.
Bill read third time.
Remarks by Assemblywoman Benitez-Thompson.

Assemblywoman Benitez-Thompson:
Remark

(remarks will be included in the final journal.)

Roll call on Assembly Bill No. 200:
YEAS—42.
NAYS—None.
Assembly Bill No. 200 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 205.
Bill read third time.
Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:
Remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 205:
YEAS—42.
NAYS—None.
Assembly Bill No. 205 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 211.
Bill read third time.
Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:
Remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 211:
YEAS—42.
NAYS—None.
Assembly Bill No. 211 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 226.
Bill read third time.
Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:
Remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 226:
YEAS—42.
NAYS—None.
Assembly Bill No. 226 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 227.
Bill read third time.
Remarks by Assemblymen Nelson, Kirner, and Titus.

ASSEMBLYMAN NELSON:
Assembly Bill No. 227 having received a two-thirds majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 238.
Bill read third time.
Remarks by Assemblywomen Dooling, Carlton, and Seaman.

Assemblywoman Dooling:

Assemblywoman Carlton:

Assemblywoman Dooling:

Assemblywoman Carlton:

Assemblywoman Seaman:

Assembly Bill No. 238 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 409 be placed at the top of the General File.
Motion carried

GENERAL FILE AND THIRD READING
Assembly Bill No. 409.
Bill read third time.
Remarks by Assemblywomen Seaman and Carlton.

**Assemblywoman Seaman:**
Remark

**Assemblywoman Carlton:**
Remark

**Assemblywoman Seaman:**
Remark

**Assemblywoman Carlton:**
Remark

**Assemblywoman Seaman:**
Remark

**Assemblywoman Carlton:**
Remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 409:
YEAS—37.
NAYS—Benitez-Thompson, Carlton, Edwards, Joiner, Sprinkle—5.
Assembly Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 240.
Bill read third time.
Remarks by Assemblyman Moore.

**Assemblyman Moore:**
Remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 240:
YEAS—40.
NAYS—Benitez-Thompson, Dickman—2.
Assembly Bill No. 240 having received a two-thirds majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 242.
Bill read third time.
Remarks by Assemblywoman Benitez-Thompson.

**Assemblywoman Benitez-Thompson:**
Remark
Roll call on Assembly Bill No. 242:
YEAS—42.
NAYS—None.
Assembly Bill No. 242 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 244.
Bill read third time.
Remarks by Assemblymen Trowbridge, Elliot Anderson, Ohrenschall, and Stewart.

ASSEMBLYMAN TROWBRIDGE:
Remark

ASSEMBLYMAN ELLIOT ANDERSON:
Remark

ASSEMBLYMAN OHRENSCHALL:
Remark

ASSEMBLYMAN STEWART:
Remark

Roll call on Assembly Bill No. 244:
YEAS—24.
Assembly Bill No. 244 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 246.
Bill read third time.
Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:
Remark

Roll call on Assembly Bill No. 246.
YEAS—31.
Assembly Bill No. 246 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 258.
Bill read third time.
Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:
Remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 258:
YEAS—31.

Assembly Bill No. 258 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 268.
Bill read third time.
Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:
Remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 268:
YEAS—32.

Assembly Bill No. 268 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 281.
Bill read third time.
The following amendment was proposed by Assemblywoman Fiore:
Amendment No. 602.

SUMMARY—[Creates a statutory subcommittee of the Advisory Commission on the Administration of Justice.] Revises provisions relating to traffic laws. (BDR 14-243)

AN ACT relating to the criminal justice system; creating a statutory subcommittee of the Advisory Commission on the Administration of Justice; revising the duties of the Advisory Commission to include the evaluation of certain laws relating to traffic laws and certain laws relating to motor vehicles; providing that under certain circumstances a peace officer is
prohibited from taking a person before a magistrate for a violation of
certain traffic laws or pursuant to a warrant arising out of a violation of
certain traffic laws; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 47 of this bill creates the Subcommittee on Criminal and Civil
Violations of Traffic Laws of the Advisory Commission on the
Administration of Justice. Section 47 also: (1) requires the Chair of the
Advisory Commission to appoint the members of the Subcommittee; (2)
requires the Subcommittee to study issues relating to certain traffic laws and
laws relating to drivers’ licenses and to the registration of and insurance for
motor vehicles, and the treatment of violations of such laws as criminal
offenses or civil infractions; and (3) sets forth the salaries and per diem that
members of the Subcommittee may receive.

Existing law directs the Advisory Commission to study certain elements of
this State’s criminal justice system. (NRS 176.0125) Section 49 of this bill
requires the Advisory Commission to evaluate certain laws relating to
criminal violations of traffic laws and laws relating to drivers’ licenses and to
the registration of and insurance for motor vehicles, and whether the State
may treat such violations as civil matters.

Under existing law, whenever a person is halted by a peace officer for
certain traffic violations and is not required to be taken before a
magistrate, the peace officer has the discretion to issue a traffic citation
to the person or to take the person before a magistrate. (NRS 484A.730)
Section 53 of this bill provides that if a person is halted by a peace officer
for a violation of the rules of the road or certain other traffic violations
and is not otherwise required to be taken before a magistrate, the person
must be given a traffic citation.

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

Section 1. (Deleted by amendment.)
Sec. 2. (Deleted by amendment.)
Sec. 3. (Deleted by amendment.)
Sec. 4. (Deleted by amendment.)
Sec. 5. (Deleted by amendment.)
Sec. 6. (Deleted by amendment.)
Sec. 7. (Deleted by amendment.)
Sec. 8. (Deleted by amendment.)
Sec. 9. (Deleted by amendment.)
Sec. 10. (Deleted by amendment.)
Sec. 11. (Deleted by amendment.)
Sec. 12. (Deleted by amendment.)
Sec. 13. (Deleted by amendment.)
Sec. 14. (Deleted by amendment.)
Sec. 15. (Deleted by amendment.)
Sec. 16. (Deleted by amendment.)
Sec. 17. (Deleted by amendment.)
Sec. 18. (Deleted by amendment.)
Sec. 19. (Deleted by amendment.)
Sec. 20. (Deleted by amendment.)
Sec. 21. (Deleted by amendment.)
Sec. 22. (Deleted by amendment.)
Sec. 23. (Deleted by amendment.)
Sec. 24. (Deleted by amendment.)
Sec. 25. (Deleted by amendment.)
Sec. 26. (Deleted by amendment.)
Sec. 27. (Deleted by amendment.)
Sec. 28. (Deleted by amendment.)
Sec. 29. (Deleted by amendment.)
Sec. 30. (Deleted by amendment.)
Sec. 31. (Deleted by amendment.)
Sec. 32. (Deleted by amendment.)
Sec. 33. (Deleted by amendment.)
Sec. 34. (Deleted by amendment.)
Sec. 35. (Deleted by amendment.)
Sec. 36. (Deleted by amendment.)
Sec. 37. (Deleted by amendment.)
Sec. 38. (Deleted by amendment.)
Sec. 39. (Deleted by amendment.)
Sec. 40. (Deleted by amendment.)
Sec. 41. (Deleted by amendment.)
Sec. 42. (Deleted by amendment.)
Sec. 43. (Deleted by amendment.)
Sec. 44. (Deleted by amendment.)
Sec. 45. (Deleted by amendment.)
Sec. 46. (Deleted by amendment.)
Sec. 47. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Commission.
2. The Chair of the Commission shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as Chair of the Subcommittee. The Chair of the Subcommittee must be a member of the Commission.
3. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

4. The Subcommittee shall consider issues relating to:
   (a) The existing laws of this State concerning the violation of traffic laws and laws relating to drivers’ licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses;
   (b) The related laws of other states concerning violations of such laws and their treatment of violations of such laws as criminal offenses or civil infractions;
   (c) The appropriate and necessary elements of a system to treat violations of such laws as civil infractions in this State, including, without limitation, computer systems, court procedures, training and staffing; and
   (d) The anticipated fiscal effects of a system to treat violations of such laws as civil infractions in this State, including, without limitation, the effects on this State and its political subdivisions,
   • and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.

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

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

Sec. 48. NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, and section 47 of this act, “Commission” means the Advisory Commission on the Administration of Justice.

Sec. 49. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:
   1. Identify and study the elements of this State’s system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.
   2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum
sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender’s acts before, during and after commission of the offense.

4. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:

(a) Policies relating to parole;
(b) Regulatory procedures and policies of the State Board of Parole Commissioners;
(c) Policies for the operation of the Department of Corrections;
(d) Budgetary issues; and
(e) Other related matters.
5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:
   (a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and
   (b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

8. Compile and develop statistical information concerning sentencing in this State.

9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:
   (a) State Board of Pardons Commissioners to consider an application for clemency; and
   (b) State Board of Parole Commissioners to consider an offender for parole.

10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

11. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

12. Identify and study the impacts and effects of collateral consequences of convictions in this State. Such identification and study:
   (a) Must cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;
   (b) May rely on the study of this State’s collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177; and
(c) Must include the posting of a hyperlink on the Commission’s website to any study of this State’s collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.

13. **Evaluate the policies and practices relating to criminal violations of traffic laws and laws relating to drivers’ licenses and to the registration of and insurance for motor vehicles, with consideration as to whether it is feasible and advisable to treat such violations as civil matters and, if so, the issues involved in implementing a system to treat such violations as civil matters.**

14. For each regular session of the Legislature, prepare a comprehensive report including the Commission’s recommended changes pertaining to the administration of justice in this State, the Commission’s findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

**Sec. 50.** NRS 176.01255 is hereby amended to read as follows:

176.01255 1. The Chair of the Commission may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of NRS 176.0121 to 176.0129, inclusive, and section 47 of this act.

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of the Advisory Commission on the Administration of Justice, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Commission and its activities pursuant to NRS 176.0121 to 176.0129, inclusive, and section 47 of this act.

**Sec. 51.** NRS 484A.660 is hereby amended to read as follows:

484A.660 Except for felonies and those offenses set forth in paragraphs (a) to (e), inclusive, of subsection 1; subsections 1 to 5, inclusive, of NRS 484A.710, a peace officer at the scene of a traffic accident may issue a traffic citation, as provided in NRS 484A.630, or a misdemeanor citation, as provided in NRS 171.1773, to any person involved in the accident when, based upon personal investigation, the peace officer has reasonable and probable grounds to believe that the person has committed any offense pursuant to the provisions of chapters 482 to 486, inclusive, or 706 of NRS in connection with the accident.

**Sec. 52.** NRS 484A.710 is hereby amended to read as follows:
Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed any of the following offenses:

1. Homicide by vehicle;
2. A violation of NRS 484C.110 or 484C.120;
3. A violation of NRS 484C.430;
4. A violation of NRS 484C.130;
5. Failure to stop, give information or render reasonable assistance in the event of an accident resulting in death or personal injuries in violation of NRS 484E.010 or 484E.030;
6. Failure to stop or give information in the event of an accident resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484E.020 or 484E.040;
7. Reckless driving;
8. Driving a motor vehicle on a highway or on premises to which the public has access at a time when the person’s driver’s license has been cancelled, revoked or suspended;
9. Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person pursuant to NRS 483.490.

Whenever any person is arrested as authorized in this section, the person must be taken without unnecessary delay before the proper magistrate as specified in NRS 484A.750, except that in the case of either of the offenses designated in paragraphs (f) and (g) of subsection 1, a peace officer has the same discretion as is provided in other cases in NRS 484A.730.

Sec. 53. NRS 484A.730 is hereby amended to read as follows:

1. Whenever any person is halted by a peace officer for any violation of chapter 484A or 484B of NRS and is not required to be taken before a magistrate, the person must be given a traffic violation.
2. Whenever any person is halted by a peace officer for any violation of chapter 484C, 484D or 484E of NRS and is not required to be taken before a magistrate, the person may, in the discretion of the peace officer, either be given a traffic citation, or be taken without unnecessary delay before the proper magistrate.
3. Whenever a person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS, the person must be taken before the magistrate in any of the following cases:

(a) When the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court;
When the person is charged with a violation of NRS 484D.580 relating to the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;

When the person is charged with a violation of NRS 484D.675 relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or

When the person is charged with a violation of NRS 484C.110 or 484C.120, unless the person is incapacitated and is being treated for injuries at the time the peace officer would otherwise be taking the person before the magistrate.

Sec. 54. NRS 484A.760 is hereby amended to read as follows:

484A.760 Whenever any person is taken into custody by a peace officer for the purpose of taking him or her before a magistrate or court as authorized or required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a felony or the offenses enumerated in paragraphs (a) to (e), inclusive, of subsection 1 of NRS 484A.710, and no magistrate is available at the time of arrest, and there is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person must be released from custody upon the issuance to the person of a misdemeanor citation or traffic citation and the person signing a promise to appear, as provided in NRS 171.1773 or 484A.630, respectively.

Sec. 55. The Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice appointed pursuant to section 47 of this act shall submit a report of its findings and any recommendations for legislation to the Advisory Commission not later than 30 days before the date of the meeting at which the Advisory Commission considers findings and recommendations of the Advisory Commission for proposed legislation to the 79th Session of the Nevada Legislature. At that meeting, the Advisory Commission shall consider any recommendation for proposed legislation submitted to the Advisory Commission by the Subcommittee.

Sec. 56. The amendatory provisions of sections 47 to 50, inclusive, of this act expire by limitation on July 31, 2017.

Assemblywoman Fiore moved the adoption of the amendment.

Remarks by Assemblywomen Fiore and Kirkpatrick.
ASSEMBLYWOMAN FIORE:
Remark

ASSEMBLYWOMAN KIRKPATRICK:
Remark

ASSEMBLYWOMAN FIORE:
Remark

ASSEMBLYWOMAN KIRKPATRICK:
Remark

ASSEMBLYWOMAN FIORE:
Remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Amendment No. 602 to Assembly Bill No. 281 be taken from the General File and placed on the Chief Clerk’s desk.
Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 321 be placed taken from the Chief Clerk’s desk and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 321.
Bill read third time.
The following amendment was proposed by the Committee on Education:
Amendment No. 646.

ASSEMBLYMEN SILBERKRAUS, DOOLING, TROWBRIDGE, GARDNER, SEAMAN; ELLIOT ANDERSON, PAUL ANDERSON, ARMSTRONG, DICKMAN, EDWARDS, ELLISON, FIORE, FLORES, HAMBRICK, HICKEY, JONES, KIRNER, MOORE, NELSON, O’NEILL, OSCARSON, STEWART, TITUS, WHEELER, AND WOODBURY.

SUMMARY—[Clarifies that the jurisdiction of] Revises provisions relating to school police officers. [extends to all charter school property, buildings and facilities.] (BDR 34-925)

AN ACT relating to schools; requiring school districts to enter into contracts with charter schools for the provision of school police officers in certain circumstances; requiring a primary law enforcement agency to respond to requests for assistance relating to certain offenses at schools; requiring a chief of school police to supervise a school police officer who provides services to a charter school under certain circumstances; clarifying that the jurisdiction of school police officers
extends to all charter school property, buildings and facilities that have contracted with the board of trustees of the school district; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, a charter school is a public school. (NRS 385.007) Existing law authorizes the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school police officers. (NRS 386.560) Section 1 of this bill requires the board of trustees of a school district to enter into a contract to provide school police officers to a charter school if the governing body of a charter school makes a request for the provision of school police officers. Sections 3 and 4 of this bill make conforming changes.

Section 5 of this bill authorizes the principal or a teacher at a public school, including a charter school, and a school police officer, to notify the primary law enforcement agency in the city or county where the school is located when: (1) certain offenses have been committed in the presence of the principal, teacher or officer; (2) the principal, teacher or officer has reasonable cause to believe certain offenses have been committed; or (3) the principal, teacher or officer believes that a serious threat to commit such an offense has been made which may be carried out if no action is taken. Section 5 also requires a primary law enforcement agency to respond when it receives such notice of an alleged offense or threat, regardless of whether the school has school police officers.

Existing law requires the board of trustees of a school district to employ a law enforcement officer to serve as the chief of school police and supervise each person employed as a school police officer. (NRS 391.100) Section 6 of this bill requires a chief of school police to supervise any school police officer that provides services to a charter school pursuant to a contract between the governing body of a charter school and the board of trustees of the school district in which the charter school is located to provide police officers.

Existing law authorizes the board of trustees of a school district in a county that has a metropolitan police department to contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department. Existing law also authorizes the board of trustees of a school district in a county that does not have a metropolitan police department to contract with the sheriff of that county for the provision of police services in the public schools within the school district. (NRS 391.100) Section 6 also clarifies that the board
of trustees of a school district may contract with the metropolitan police department or the sheriff of the county, as applicable, for the provision and supervision of police services in a charter school.

Existing law extends the jurisdiction of school police officers to all school property, buildings and facilities for the purpose of protecting personnel, pupils and property. (NRS 391.275) Section 7 of this bill clarifies that the jurisdiction of school police officers extends to all charter school property, buildings and facilities that have contracted with the board of trustees of the school district for police services.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the governing body of a charter school makes a request to the board of trustees of the school district in which the charter school is located for the provision of school police officers pursuant to NRS 386.560, the board of trustees of the school district must enter into a contract with the governing body for that purpose. Such a contract must provide for payment by the charter school for the provision of school police officers by the school district which must be in an amount not to exceed the actual cost to the school district of providing the officers. If the school district is the sponsor of the charter school, the contract entered into pursuant to this section must be separate from any other contract or agreement with the sponsor.

2. Any contract for the provision of school police officers pursuant to this section must be entered into between the governing body of the charter school and the board of trustees of the school district by not later than March 15 for the next school year and must provide for the provision of school police officers for not less than 3 school years.

Sec. 2. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.649, inclusive, and section 1 of this act, the words and terms defined in NRS 386.492 to 386.503, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the
provision of school police officers. If the board of trustees of a school district
or a college or university within the Nevada System of Higher Education is
the sponsor of the charter school, the governing body and the sponsor must
enter into a service agreement pursuant to NRS 386.561 before the provision
of such services, other than for the provision of school police officers
when the provisions of section 1 of this act apply.
2. A charter school may use any public facility located within the school
district in which the charter school is located. A charter school may use
school buildings owned by the school district only upon approval of the
board of trustees of the school district and during times that are not regular
school hours.
3. The board of trustees of a school district may donate surplus personal
property of the school district to a charter school that is located within the
school district.
4. A charter school may:
(a) Acquire by construction, purchase, devise, gift, exchange or lease, or
any combination of those methods, and construct, reconstruct, improve,
maintain, equip and furnish any building, structure or property to be used for
any of its educational purposes and the related appurtenances, easements,
rights-of-way, improvements, paving, utilities, landscaping, parking facilities
and lands;
(b) Mortgage, pledge or otherwise encumber all or any part of its property
or assets;
(c) Borrow money and otherwise incur indebtedness; and
(d) Use public money to purchase real property or buildings with the
approval of the sponsor.
5. Except as otherwise provided in this subsection, upon the request of a
parent or legal guardian of a pupil who is enrolled in a charter school, the
board of trustees of the school district in which the pupil resides shall
authorize the pupil to participate in a class that is not available to the pupil at
the charter school or participate in an extracurricular activity, excluding
sports, at a public school within the school district if:
(a) Space for the pupil in the class or extracurricular activity is available; and
(b) The parent or legal guardian demonstrates to the satisfaction of the
board of trustees that the pupil is qualified to participate in the class or
extracurricular activity.
If the board of trustees of a school district authorizes a pupil to participate
in a class or extracurricular activity, excluding sports, pursuant to this
subsection, the board of trustees is not required to provide transportation for
the pupil to attend the class or activity. The provisions of this subsection do
not apply to a pupil who is enrolled in a charter school and who desires to
participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

6. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:
   (a) Space is available for the pupil to participate; and
   (b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

7. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 5 and 6 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 4. NRS 386.563 is hereby amended to read as follows:

1. Unless otherwise authorized by specific statute, it is unlawful for a member of the board of trustees of a school district or an employee of a school district to solicit or accept any gift or payment of money on his or her own behalf or on behalf of the school district or for any other purpose from a member of a committee to form a charter school, the governing body of a charter school, or any officer or employee of a charter school.

2. This section does not prohibit the payment of a salary or other compensation or income to a member of the board of trustees or an employee of a school district for services provided in accordance with a contract made pursuant to NRS 386.560 or section 1 of this act.

3. A person who violates subsection 1 shall be punished for a misdemeanor.

Sec. 5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. At any public school, including, without limitation, a charter school, the principal of the school, a teacher or a school police officer may notify
the primary law enforcement agency in the city or county, as appropriate, where the school is located when:

(a) An offense involving serious bodily harm has been committed in the presence of the principal, teacher or school police officer;
(b) The principal, teacher or school police officer has reasonable cause to believe such an offense has been committed; or
(c) The principal, teacher or school police officer believes that a serious threat to commit such an offense has been made which may be carried out if no action is taken.

2. If notified pursuant to subsection 1 of an alleged offense or threat to commit an offense, the primary law enforcement agency must respond, even if the school has school police officers. The provisions of subsection 1 do not prohibit a principal, teacher or school police officer from:

(a) Contacting a primary law enforcement agency for assistance with any other offense or threatened offense that does not involve serious bodily harm; or
(b) Responding to any offense until the appropriate primary law enforcement agency arrives at the school. Such a response may include, without limitation, taking any appropriate action to provide assistance to a victim, to apprehend the person suspected of committing or attempting or threatening to commit the offense, to secure the location where the offense was allegedly committed or attempted and to protect the life and safety of any person who is present.

3. Upon the arrival of an officer from the primary law enforcement agency notified pursuant to subsection 2, the principal, teacher or school police officer, if applicable, shall immediately transfer the investigation of the offense, attempted offense or threatened offense to the primary law enforcement agency.

4. As used in this section, “primary law enforcement agency” means:

(a) A police department of an incorporated city;
(b) The sheriff’s office of a county; or
(c) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.

Sec. 6. NRS 391.100 is hereby amended to read as follows:

391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.

2. A person who is initially hired by the board of trustees of a school district on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not “initially hired” if he or she has been employed as a teacher by another school district or
charter school in this State without an interruption in employment before the date of hire by the person’s current employer.

3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if the person teaches:
   (a) English, reading or language arts;
   (b) Mathematics;
   (c) Science;
   (d) Foreign language;
   (e) Civics or government;
   (f) Economics;
   (g) Geography;
   (h) History; or
   (i) The arts.

4. The board of trustees of a school district:
   (a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not “initially hired” if he or she has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire by the person’s current employer.
   (b) Shall establish policies governing the duties and performance of teacher aides.

5. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of the applicant’s fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

6. Except as otherwise provided in subsection 7, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who
has taken a leave of absence from employment authorized by the school district, including, without limitation:
   (a) Sick leave;
   (b) Sabbatical leave;
   (c) Personal leave;
   (d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;
   (e) Maternity leave; and
   (f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

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

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

8. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to section 1 of this act. In addition, persons who provide police services pursuant to subsection 9 or 10 shall be deemed school police officers.

9. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to section 1 of this act. If a contract is entered into pursuant to this subsection,
the contract must make provision for the transfer of each school police
officer employed by the board of trustees to the metropolitan police
department. If the board of trustees of a school district contracts with a
metropolitan police department pursuant to this subsection, the board of
trustees shall, if applicable, cooperate with appropriate local law enforcement
agencies within the school district for the provision and supervision of police
services in the public schools within the school district. \textit{Including, without
limitation, any charter school with which the school district has entered
into a contract for the provision of school police officers pursuant to
section 1 of this act, and on property owned by the school district, and if
applicable, the property owned or occupied by the charter school, but
outside the jurisdiction of the metropolitan police department.}

10. The board of trustees of a school district in a county that does not
have a metropolitan police department created pursuant to chapter 280 of
NRS may contract with the sheriff of that county for the provision of police
services in the public schools within the school district. \textit{Including, without
limitation, in any charter school with which the board of trustees has
entered into a contract for the provision of school police officers pursuant
to section 1 of this act, and on property therein that is owned by the school
district, and, if applicable, the property owned or occupied by the charter
school.}

\textbf{[Section 7]} \textbf{Sec. 7.} NRS 391.275 is hereby amended to read as
follows:

391.275 1. The jurisdiction of each school police officer of a school
district extends to all school property, buildings and facilities within the
school district. \textit{Including, without limitation, and, if the board of trustees
has entered into a contract with a charter school for the provision of school
police officers pursuant to section 1 of this act, all property, buildings and
facilities in which the charter school is located, for the purpose of:
(a) Protecting school district personnel, pupils, or real or personal
property; or
(b) Cooperating with local law enforcement agencies in matters relating to
personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police
officer of a school district has jurisdiction:
(a) Beyond the school property, buildings and facilities when in hot
pursuit of a person believed to have committed a crime;
(b) At activities or events sponsored by the school district that are in a
location other than the school property, buildings or facilities within the
school district; and
(c) When authorized by the superintendent of schools of the school
district, on the streets that are adjacent to the school property, buildings and
facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

Sec. 8. NRS 280.287 is hereby amended to read as follows:

280.287 1. The department may enter into a contract with the board of trustees of the school district located in the county served by the department for the provision and supervision of police services in the public schools within the school district and any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to section 1 of this act, and on property owned by the school district and, if applicable, on property owned or operated by a charter school. If the department enters into a contract pursuant to this section, the department shall create a separate unit designated as the school police unit for this purpose.

2. The department may establish different qualifications and training requirements for officers assigned to the school police unit than those generally applicable to officers of the department.

Sec. 9. 1. This section and section 5 of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, and 6, 7 and 8 of this act become effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblymen Woodbury, Carlton, and Silberkraus.

ASSEMBLYWOMAN WOODBURY:
Remark

ASSEMBLYWOMAN CARLTON:
Remark

ASSEMBLYMAN SILBERKRAUS:
Remark

ASSEMBLYWOMAN CARLTON:
Remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 302, 380, and 412 be rereferred to the Committee on Ways and Means.

Assemblyman Paul Anderson moved that the Assembly recess until 3:45 p.m.
Motion carried.

Assembly in recess at 2:22 p.m.

ASSEMBLY IN SESSION

At 4:49 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 281.
Bill read third time.
Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 281:
YEA—40.

Assembly Bill No. 281 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that the action whereby Assembly
Bill No. 380 was rereferred to the Committee on Ways and Means be
reconsidered.
Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 380 and
452 be placed at the top of the General File.
Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 152 be taken
from the Chief Clerk’s desk and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 152.
Bill read third time.
Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Remark
Roll call on Assembly Bill No. 152:
YEAS—32.
NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Kirner, Moore, Seaman, Shelton, Titus—10.
Assembly Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 380.
Bill read third time.

Assemblyman Armstrong:
Remark

Assemblywoman Fiore:
Remark

Assemblyman Edwards:
Remark

Assemblyman Armstrong:
Remark

Assemblyman Jones:
Remark

Assemblywoman Kirkpatrick:
Remark

Roll call on Assembly Bill No. 380:
YEAS—33.
Assembly Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 452.
Bill read third time.
Remarks by Assemblyman Armstrong.

Assemblyman Armstrong:
Remark

Roll call on Assembly Bill No. 452:
YEAS—42.
NAYS—None.
Assembly Bill No. 452 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 293.
Bill read third time.
Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:
Remark
(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 293:
YEAS—42.
NAYS—None.
Assembly Bill No. 293 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 294.
Bill read third time.

Mr. Speaker announced if there were no objections, the Assembly would
recess subject to the call of the Chair.

Assembly in recess at 5:08 p.m.

ASSEMBLY IN SESSION

At 5:22 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill Nos. 294, 306,
and 336 be taken from the General File and placed on the Chief Clerk’s desk.
Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 330 and
381 be taken from the General File and placed on the Chief Clerk’s desk.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 307.
Bill read third time.
Remarks by Assemblywoman Spiegel.
Roll call on Assembly Bill No. 307:
YEAS—42.
NAYS—None.
Assembly Bill No. 307 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 308.
Bill read third time.
Remarks by Assemblyman Gardner.

Assembly Bill No. 308 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 324.
Bill read third time.
Remarks by Assemblyman Sprinkle.

Assembly Bill No. 324 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 325.
Bill read third time.
Remarks by Assemblies Sprinkle and Seaman.
Remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 325:
YEAS—30.
Assembly Bill No. 325 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 328.
Bill read third time.
Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:
Remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 328:
YEAS—42.
NAYS—None.
Assembly Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 341.
Bill read third time.
Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:
Remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 341:
YEAS—42.
NAYS—None.
Assembly Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 356.
Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 356 be placed at the bottom of the General File.
Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 362 and 321 to the top of the General File
Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 320 be taken from the Chief Clerk’s desk to the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 320.
Bill read third time.
Remarks by Silberkraus, Ohrenschall, Hickey, Nelson, Kirkpatrick, and Elliot Anderson.

ASSEMBLYMAN SILBERKRAUS:
Remark

ASSEMBLYMAN OHRENSCHALL:
Remark

ASSEMBLYMAN HICKEY:
Remark

ASSEMBLYMAN NELSON:
Remark

ASSEMBLYWOMAN KIRKPATRICK:
Remark

ASSEMBLYMAN ELLIOT ANDERSON:
Remark

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 320:
YEAS—18.

Assembly Bill No. 320 having failed to receive a constitutional majority,
Mr. Speaker declared it lost.

Assembly Bill No. 362.
Bill read third time.
Remarks by Assemblyman Hansen.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.
Assembly in recess at 5:53 p.m.

ASSEMBLY IN SESSION

At 5:54
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 321.
Bill read third time.
Remarks by Assemblyman Silberkraus.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 321:
YEAS—39.
NAYS—Bustamante Adams, Kirkpatrick, Neal—3.
Assembly Bill No. 321 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 357.
Bill read third time.
The following amendment was proposed by Assemblywoman Fiore:
Amendment No. 603.

AN ACT relating to criminal procedure; authorizing certain persons who
are prohibited from owning, possessing or having under their custody or
control any firearm or who have had certain civil rights taken away to
petition the court to restore such rights in certain circumstances; authorizing
a prosecuting attorney to inquire into, inspect and use as evidence certain
sealed records in certain circumstances; adding a person who has been
convicted of a misdemeanor crime of domestic violence to the list of persons
who are prohibited from owning or having in their possession or under their
custody or control any firearm; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

Existing law prohibits certain persons from owning or having in their
possession or under their custody or control any firearm, including a person
who has been convicted of a felony in this State or any other state, or in any
political subdivision thereof, or of a felony in violation of the laws of the
United States of America, unless the person has received a pardon and the
pardon does not restrict his or her right to bear arms. (NRS 202.360) Section
5 of this bill adds to such a list of persons a person who has been convicted in
Section 2 of this bill establishes a procedure by which a person who: (1) is prohibited from owning or having in his or her possession or under his or her custody or control any firearm because the person has been convicted of a felony or a misdemeanor crime of domestic violence; or (2) has had his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office taken away and has not had all such rights restored, may, after a certain applicable waiting period, petition the district court in the county in which the person resides or in which the person was convicted for the restoration of such rights. For a person to be eligible to have such rights restored: (1) the person must not currently be serving any sentence or facing any new charge for an offense which would cause the person to be ineligible to petition to have such rights restored; and (2) if the person is seeking the restoration of his or her firearm rights, the person must not otherwise be prohibited from possessing a firearm under any other applicable provision of the laws of this State.

Section 2 also requires that a date for a hearing on such a petition be set for not earlier than 30 days and not later than 120 days after a petition is filed, unless waived by the parties. The court is required to make a decision within 30 days after the hearing on the petition is completed.

Section 2 additionally requires the court to issue an order restoring a petitioner’s civil rights and the right to own, possess and control any firearm if: (1) the petitioner has never been convicted of a misdemeanor crime of domestic violence; (2) the petitioner has never been convicted of a category A, B or C felony; and (3) the only category D or E felony for which the person has ever been convicted did not include certain elements. A petitioner who does not meet such criteria but meets certain other criteria must prove to the court by clear and convincing evidence that he or she is rehabilitated and is unlikely to use the restoration of any rights for an unlawful purpose. If the court determines that the petitioner does not satisfy the burden of proof, the court is required to issue an order denying the restoration of such rights and to state the basis for such a denial. Section 2 further authorizes such a petitioner to reapply for the restoration of such rights not earlier than 1 year after the date the court order is entered. Finally, section 2 requires a person to accept a copy of a court order restoring a person’s civil rights or right to own, possess and control any firearm as proof that such rights have been restored to the person.

Section 2 also authorizes a person who has lost his or her civil rights as a result of a conviction in another state to petition the district court for the restoration of such rights if the person would otherwise be eligible to petition
the district court for the restoration of such rights if the conviction that resulted in the loss of such rights occurred in this State.

Section 11 of this bill requires a person whose right to own, possess and control any firearm has been restored pursuant to section 2 to carry on his or her person, any time the person is in possession of a firearm, a copy of the court order restoring such a right. This requirement expires by limitation on July 1, 2017.

Existing law authorizes certain persons to inquire into and inspect certain records that have been sealed in certain circumstances. (NRS 179.301) Section 3 of this bill authorizes a prosecuting attorney to inquire into and inspect certain sealed records if the person who is the subject of the records has petitioned to have his or her right to own, possess and control any firearm restored pursuant to section 2. Section 3 also authorizes a prosecuting attorney to use any such records as evidence during a hearing on such a petition.

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

Section 1. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:
(a) Has fulfilled the conditions of probation for the entire period thereof;
(b) Is recommended for earlier discharge by the Division; or
(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court, may be granted an honorable discharge from probation by order of the court.
2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.
3. Except as otherwise provided in subsection 4 and section 2 of this act, a person who has been honorably discharged from probation:
(a) Is free from the terms and conditions of probation.
(b) Is immediately restored to the following civil rights:
   (1) The right to vote; and
   (2) The right to serve as a juror in a civil action.
(c) Four years after the date of honorable discharge from probation, is restored to the right to hold office.
(d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.
(e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.
(f) Must be informed of the provisions of this section and NRS 179.245 in the person’s probation papers.

(g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, “establishment” has the meaning ascribed to it in NRS 463.0148.

(i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:
   (a) Of a category A felony.
   (b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.
   (c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.
   (d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.
   (e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:
   (a) That the person has received an honorable discharge from probation;
   (b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;
   (c) The date on which the person’s civil right to hold office will be restored pursuant to paragraph (c) of subsection 3; and
(d) The date on which the person’s civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person’s civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:
   (a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or
   (b) A court order restoring the person’s civil rights,

   as proof that the person has been restored to the civil rights set forth in subsection 3.

Sec. 2. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person is prohibited pursuant to paragraph (a) of NRS 202.360 from owning or having in his or her possession or under his or her custody or control any firearm because the person has been convicted of a felony or a misdemeanor crime of domestic violence, or if the person has had his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office taken away and all such civil rights have not been restored, the person may, after the applicable waiting period set forth in subsection 2, petition the district court in the county in which the person resides or in which the person was convicted for the restoration of his or her right to own or have in his or her possession or under his or her custody or control any firearm and the restoration of his or her civil rights if the person:
   (a) Is not currently serving any sentence or facing any new charge for an offense which would cause the person to be ineligible to petition to have such rights restored; and
   (b) If the person is seeking the restoration of the right to own or have in his or her possession or under his or her custody or control any firearm, is not otherwise prohibited from possessing a firearm under any other applicable provision of the laws of this State.

2. A person may petition the district court pursuant to subsection 1:
   (a) One day after the completion of the person’s sentence for an offense described in subparagraph (3) if:
(1) The person has never been convicted of a misdemeanor crime of domestic violence;
(2) The person has never been convicted of a category A, B or C felony; and
(3) The only category D or E felony for which the person has ever been convicted is a category D or E felony that did not include as an element of the offense:
   (I) An attempt, threat or conspiracy to commit an act of violence against another person;
   (II) An act of intentional violence against another person; or
   (III) The intentional use of a deadly weapon.
(b) Two years after the completion of the person’s sentence for an offense described in subparagraph (3) if the person:
   (1) Has never been convicted of a misdemeanor crime of domestic violence;
   (2) Has never been convicted of a category A, B, D or E felony; and
   (3) The only category C felony for which the person has ever been convicted is a category C felony that did not include as an element of the offense:
      (I) An attempt, threat or conspiracy to commit an act of violence against another person;
      (II) An act of intentional violence against another person; or
      (III) The intentional use of a deadly weapon.
(c) Six years after the most recent completion of the person’s sentence for an offense described in this paragraph if the person:
   (1) Has never been convicted of a category A felony or a category B, C, D or E felony that involved the intentional use of a deadly weapon with the intent to cause substantial bodily harm; and
   (2) Has been convicted:
      (I) Not more than once for a misdemeanor crime of domestic violence; or
      (II) Of more than one category B, C, D or E felony that did not involve the intentional use of a deadly weapon with the intent to cause substantial bodily harm.
3. A petition filed pursuant to subsection 2 must:
   (a) Describe the rights for which restoration is being sought.
   (b) Provide the date of any previous petition filed pursuant to this section and the date the court denied the restoration of any rights.
   (c) Be accompanied by the petitioner’s current, verified record of criminal history from the Central Repository for Nevada Records of Criminal History.
   (d) Contain the following information:
(1) The petitioner’s full legal name.
(2) Each alias that the petitioner has used or under which the petitioner may have been known.
(3) The petitioner’s date of birth.
(4) The petitioner’s driver’s license number.
(5) The petitioner’s current residential address.
(6) Each residential address of the petitioner during the 10 years preceding the filing of the petition.
(7) For each criminal conviction of the petitioner:
   (I) The arresting agency;
   (II) The date of arrest;
   (III) The charges that were filed against the petitioner;
   (IV) Whether the offense committed was a misdemeanor or felony, and if a felony, whether the offense was a category A, B, C, D or E felony;
   (V) The sentencing court;
   (VI) The case number;
   (VII) The date of the final disposition of the case;
   (VIII) The sentence imposed upon the petitioner; and
   (IX) The date on which the petitioner completed the sentence.

4. Upon receiving a petition from a petitioner who meets the requirements of this section, the court shall, at least 30 days before the hearing scheduled pursuant to subsection 5, notify the district attorney for the county in which the court is located and the district attorney for each county in which the petitioner was convicted of an applicable felony or misdemeanor crime of domestic violence.

5. Unless waived by the consent of both the petitioner and the district attorney for the county in which the petition is filed, a date for a hearing on the petition must be set for not earlier than 30 days and not later than 120 days after a petition complying with the requirements of subsection 3 is filed. The court may consider any relevant evidence at the hearing on the petition, including, without limitation, oral testimony, declarations, affidavits and police reports. The court shall issue its decision within 30 days after the hearing on the petition is completed.

6. If a petitioner petitions the court for the restoration of his or her rights pursuant to:
   (a) Paragraph (a) of subsection 2, the court shall, upon verifying that the petitioner is eligible to have his or her rights restored, issue an order setting forth the restoration of the petitioner’s right to own or have in his or her possession or under his or her custody or control any firearm and the petitioner’s civil rights to vote, to serve as a juror in a civil or criminal action and to hold office.
(b) Paragraph (b) or (c) of subsection 2, the court shall, if it determines that the petitioner proves by clear and convincing evidence that he or she is rehabilitated and is unlikely to use the restoration of any rights for an unlawful purpose, issue an order setting forth which rights are restored.

A copy of any order issued pursuant to this subsection must be provided to the petitioner and the Department of Public Safety. A person shall accept a copy of any such order as proof that a person has had his or her right to own or have in his or her possession or under his or her custody or control any firearm or his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office restored pursuant to this section.

7. If the court determines that a petitioner who petitioned the court for the restoration of his or her rights pursuant to paragraph (b) or (c) of subsection 2 does not prove by clear and convincing evidence that he or she is rehabilitated and is unlikely to use the restoration of any rights for an unlawful purpose, the court shall issue an order denying the restoration of the petitioner’s rights and shall state the basis for such a denial. A petitioner who is denied the restoration of rights pursuant to this subsection may reapply for the restoration of such rights not earlier than 1 year after the date the court order is entered.

8. A person who has lost his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office as a result of a conviction in another state may petition the district court for the restoration of such civil rights pursuant to this section if the person would otherwise be eligible to petition the district court for the restoration of such civil rights pursuant to this section if the conviction that resulted in the loss of such civil rights occurred in this State.

9. As used in this section, “misdemeanor crime of domestic violence” has the meaning ascribed to it in 18 U.S.C. § 921(a)(33).

Sec. 3. NRS 179.301 is hereby amended to read as follows:

179.301 1. The State Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer’s, seller’s or distributor’s license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant’s suitability or qualifications to hold the work permit.
2. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:
   (a) The records relate to a violation or alleged violation of NRS 202.575; and
   (b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.575.

3. A prosecuting attorney may:
   (a) Inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has petitioned to have his or her right to own or have in his or her possession or under his or her control or custody any firearm pursuant to section 2 of this act; and
   (b) Use any such records as evidence during a hearing on the petition.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to sexual offenses, and may notify employers of the information in accordance with NRS 179A.180 to 179A.240, inclusive.

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:
   (a) “Information relating to sexual offenses” means information contained in or concerning a record relating in any way to a sexual offense.
   (b) “Sexual offense” has the meaning ascribed to it in NRS 179A.073.

Sec. 4. NRS 6.010 is hereby amended to read as follows:

6.010 Except as otherwise provided in this section, every qualified elector of the State, whether registered or not, who has sufficient knowledge of the English language, and who has not been convicted of treason, a felony, or other infamous crime, and who is not rendered incapable by reason of physical or mental infirmity, is a qualified juror of the county in which the person resides. A person who has been convicted of a felony is not a qualified juror of the county in which the person resides until the person’s civil right to serve as a juror has been restored pursuant to NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or section 2 of this act.

Sec. 5. NRS 202.360 is hereby amended to read as follows:
202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:
   (a) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person [has]:
      (1) Has received a pardon and the pardon does not restrict his or her right to bear arms; or
      (2) Has had his or her right to own or have in his or her possession or under his or her custody or control any firearm restored pursuant to section 2 of this act;
   (b) Has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33), unless the person has had his or her right to own or have in his or her possession or under his or her custody or control any firearm restored pursuant to section 2 of this act;
   (c) Is a fugitive from justice; or
   (d) Is an unlawful user of, or addicted to, any controlled substance.

A person who violates the provisions of this subsection 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 may be further punished by a fine of not more than $5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:
   (a) Has been adjudicated as mentally ill or has been committed to any mental health facility; or
   (b) Is illegally or unlawfully in the United States.

A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:
   (a) “Controlled substance” has the meaning ascribed to it in 21 U.S.C. § 802(6).
   (b) “Firearm” includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 6. NRS 209.511 is hereby amended to read as follows:

209.511 1. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:
   (a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender’s economic need as determined by the Director;
   (b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;
(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);
(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, and section 2 of this act, as applicable;
(e) Shall provide the offender with information relating to obtaining employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person;
(f) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:
   (1) Requests a photo identification card; or
   (2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;
(g) May provide the offender with clothing suitable for reentering society;
(h) May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;
(i) May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and
(j) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.
2. The costs authorized in paragraphs (a), (f), (g), (h) and (j) of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.
3. As used in this section:
   (a) “Facility for transitional living for released offenders” has the meaning ascribed to it in NRS 449.0055.
   (b) “Photo identification card” means a document which includes the name, date of birth and a color picture of the offender.
Sec. 7. NRS 213.155 is hereby amended to read as follows:
213.155 1. Except as otherwise provided in subsection 2 of this act, a person who receives an honorable discharge from parole pursuant to NRS 213.154:
   (a) Is immediately restored to the following civil rights:
   (1) The right to vote; and
(2) The right to serve as a juror in a civil action.
(b) Four years after the date of his or her honorable discharge from parole, is restored to the right to hold office.
(c) Six years after the date of his or her honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this State:
(a) Of a category A felony.
(b) Of an offense that would constitute a category A felony if committed as of the date of his or her honorable discharge from parole.
(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.
(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her honorable discharge from parole.
(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his or her honorable discharge from parole, a person so discharged must be given an official document which provides:
(a) That the person has received an honorable discharge from parole;
(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of his or her honorable discharge from parole;
(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1; and
(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of his or her honorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon
verification that the person has been honorably discharged from parole and is
eligible to be restored to the civil rights set forth in subsection 1, the court
shall issue an order restoring the person to the civil rights set forth in
subsection 1. A person must not be required to pay a fee to receive such an
order.

5. A person who has been honorably discharged from parole in this State
or elsewhere may present:
(a) Official documentation of his or her honorable discharge from parole,
if it contains the provisions set forth in subsection 3; or
(b) A court order restoring his or her civil rights,
as proof that the person has been restored to the civil rights set forth in
subsection 1.

6. The Board may adopt regulations necessary or convenient for the
purposes of this section.

Sec. 8. NRS 213.157 is hereby amended to read as follows:

213.157 1. Except as otherwise provided in subsection 2 and section 2 of this act, a person convicted of a felony in the State of Nevada who has
served his or her sentence and has been released from prison:
(a) Is immediately restored to the following civil rights:
   (1) The right to vote; and
   (2) The right to serve as a juror in a civil action.
(b) Four years after the date of his or her release from prison, is restored to
the right to hold office.
(c) Six years after the date of his or her release from prison, is restored to
the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set
forth in subsection 1 are not restored to a person who has been released from
prison if the person has previously been convicted in this State:
(a) Of a category A felony.
(b) Of an offense that would constitute a category A felony if committed
as of the date of his or her release from prison.
(c) Of a category B felony involving the use of force or violence that
resulted in substantial bodily harm to the victim.
(d) Of an offense involving the use of force or violence that resulted in
substantial bodily harm to the victim and that would constitute a category B
felony if committed as of the date of his or her release from prison.
(e) Two or more times of a felony, unless a felony for which the person
has been convicted arose out of the same act, transaction or occurrence as
another felony, in which case the convictions for those felonies shall be
deemed to constitute a single conviction for the purposes of this paragraph.
A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his or her release from prison, a person so released must be given an official document which provides:
   (a) That the person has been released from prison;
   (b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of his or her release from prison;
   (c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1; and
   (d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been released from prison in this State or elsewhere and whose official documentation of his or her release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been released from prison in this State or elsewhere may present:
   (a) Official documentation of his or her release from prison, if it contains the provisions set forth in subsection 3; or
   (b) A court order restoring his or her civil rights,
   as proof that the person has been restored to the civil rights set forth in subsection 1.

Sec. 9. NRS 293.540 is hereby amended to read as follows:

293.540  The county clerk shall cancel the registration:

1. If the county clerk has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in the county clerk’s office.

2. If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person registered lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.
3. Upon the determination that the person registered has been convicted of a felony unless:
   (a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157 or section 2 of this act.
   (b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.
4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.
5. Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.
6. At the request of the person registered.
7. If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.
8. As required by NRS 293.541.
9. Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk’s office.

Sec. 10. NRS 293.543 is hereby amended to read as follows:
293.543 1. If the registration of an elector is cancelled pursuant to subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.
2. If the registration of an elector is cancelled pursuant to subsection 3 of NRS 293.540, the elector may reregister after presenting satisfactory evidence which demonstrates that the elector’s:
   (a) Conviction has been overturned; or
   (b) Civil rights have been restored:
      (1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090, 213.155 or 213.157 or section 2 of this act.
      (2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.
3. If the registration of an elector is cancelled pursuant to the provisions of subsection 5 of NRS 293.540, the elector may reregister immediately.
4. If the registration of an elector is cancelled pursuant to the provisions of subsection 6 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Sec. 11. Notwithstanding the provisions of section 2 of this act, a person whose right to own or have in his or her possession or under his or her control any firearm has been restored pursuant to section 2 of this act shall, any time he or she is in possession of a firearm, carry on his or her person a copy of the order restoring such a right that is issued by a court pursuant to subsection 6 of section 2 of this act.

Sec. 12. 1. This act becomes effective on October 1, 2015.
2. Section 11 of this act expires by limitation on July 1, 2017.

Assemblywoman Fiore moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 364.
Bill read third time.
Remarks by Assemblyman Thompson.
(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 364:
YEAS—39.
NAYS—Ellison, Moore, Wheeler—3.
Assembly Bill No. 364 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 366.
Bill read third time.
Remarks by Assemblyman Silberkraus.
(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 366:
YEAS—42.
NAYS—None.
Assembly Bill No. 366 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 362.
Bill read third time.
The following amendment was proposed by Assemblywoman Swank:
Amendment No. 645.
AN ACT relating to domestic relations; authorizing a party in certain domestic relations actions to file a postjudgment motion to obtain adjudication of certain property and liabilities that were omitted from the final decree or judgment; as the result of fraud or mistake; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
Under existing law, in granting a divorce, a court must, to the extent practicable, make an equal disposition of the community property of the parties, unless the action is contrary to a valid premarital agreement between the parties or the court makes written findings setting forth a compelling reason for making an unequal disposition of the community property. (NRS 125.150) The Nevada Supreme Court has held that under Rule 60(b) of the Nevada Rules of Civil Procedure, relief from a divorce decree dividing community property between the parties may be obtained by: (1) filing within 6 months after the final decree a motion for relief or modification from the decree because of mistake, newly discovered evidence or fraud; or (2) showing exceptional circumstances justifying equitable relief in an independent civil action. (Kramer v. Kramer, 96 Nev. 759, 762 (1980); Amie v. Amie, 106 Nev. 541, 542 (1990)) In Doan v. Wilkerson, 130 Nev. Adv. Op. 48, 328 P.3d 498 (2014), the Nevada Supreme Court held that exceptional circumstances justifying equitable relief do not exist when a particular item of community property was disclosed and considered in a divorce action but omitted from the divorce decree.

This bill authorizes a party in an action for divorce, separate maintenance or annulment to file a postjudgment motion to obtain an adjudication of any community property or liability that was omitted from the final decree or judgment; as the result of fraud or mistake. Under this bill, such a motion must be filed within 3 years after the aggrieved party discovers the facts constituting the fraud or mistake. This bill further provides that the court has continuing jurisdiction to hear such a motion and must make an equal disposition of the omitted community property or liability unless the court finds that certain exceptions apply.

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

Section 1. NRS 125.150 is hereby amended to read as follows:
125.150 Except as otherwise provided in NRS 125.155 and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:
1. In granting a divorce, the court:
(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

As used in this subsection, “contribution” includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment. There is no limitation on the time in which may be filed as the result of fraud or mistake. A motion pursuant to this subsection may be filed, except that if the motion is based on fraud or mistake, the motion must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to
hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney’s fee to either party to an action for divorce.

5. In granting a divorce, the court may also set apart such portion of the husband’s separate property for the wife’s support, the wife’s separate property for the husband’s support or the separate property of either spouse for the support of their children as is deemed just and equitable.

6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the
court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

(a) The financial condition of each spouse;
(b) The nature and value of the respective property of each spouse;
(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;
(d) The duration of the marriage;
(e) The income, earning capacity, age and health of each spouse;
(f) The standard of living during the marriage;
(g) The career before the marriage of the spouse who would receive the alimony;
(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;
(i) The contribution of either spouse as homemaker;
(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and
(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and
(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

11. If the court determines that alimony should be awarded pursuant to the provisions of subsection 10:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.
(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.
(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:
(1) Testing of the recipient’s skills relating to a job, career or profession;
(2) Evaluation of the recipient’s abilities and goals relating to a job, career or profession;
(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;
(4) Subsidization of an employer’s costs incurred in training the recipient;
(5) Assisting the recipient to search for a job; or
(6) Payment of the costs of tuition, books and fees for:
   (I) The equivalent of a high school diploma;
   (II) College courses which are directly applicable to the recipient’s goals for his or her career; or
   (III) Courses of training in skills desirable for employment.

12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, “gross monthly income” has the meaning ascribed to it in NRS 125B.070.

Assemblywoman Swank moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 371.
Bill read third time.
Remarks by Assemblyman O’Neill.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 371:
YEAS—30.
NAYS—Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Fiore, Flores, Kirkpatrick, Neal, Ohrenschall, Shelton, Spiegel, Thompson—12.

Assembly Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 375.
Bill read third time.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 375:
YEAS—20.

Assembly Bill No. 375 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 377.
Bill read third time.
Remarks by Assemblymen O’Neill and Swank.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 377:
YEAS—42.
NAYS—None.

Assembly Bill No. 377 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 383.
Bill read third time.
Remarks by Assemblyman O’Neill.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 383:
YEAS—42.
NAYS—None.

Assembly Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 385.
Bill read third time.
Remarks by Assemblywoman Woodbury.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 385:
YEAS—42.
NAYS—None.

Assembly Bill No. 385 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 404.
Bill read third time.
Remarks by Assemblymen Fiore and Edwards.
Roll call on Assembly Bill No. 404:
YEAS—35.
Assembly Bill No. 404 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 408 be placed
at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 421.
Bill read third time.
Remarks by Assemblyman Hansen.

Assembly Bill No. 421 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 433.
Bill read third time.
Remarks by Assemblymen Gardner, Ohrenschall, and Moore.

Assembly Bill No. 433 having failed to receive a constitutional majority,
Mr. Speaker declared it lost.

Assembly Bill No. 454.
Bill read third time.
Remarks by Assemblyman Ellison.

Roll call on Assembly Bill No. 454:
Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 461.
Bill read third time.
Remarks by Assemblymen Shelton, Ohrenschall, and Stewart.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 461:
YEAS—25.
NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:57 p.m.

ASSEMBLY IN SESSION

At 7:12 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 91.
Bill read third time.
Assemblyman Moore withdrew Amendments Nos. 506 and 627.
The following amendment was proposed by Assemblymen Moore and Kirkpatrick:
Amendment No. 636.
AN ACT relating to mental health; expanding the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary court-ordered admission of such a person to certain facilities or programs; expanding the list of persons authorized to conduct the examination required before a person is admitted to a mental health facility on an emergency basis; expanding the list of persons authorized to complete certain certificates concerning the mental condition of another; requiring notification of
certain persons if a person is transported to a mental health facility, hospital or other place for the purposes of emergency admission or if a petition for an involuntary court-ordered admission is filed; requiring certain providers of treatment to report the number of emergency and involuntary admissions, categorized by profession, to the Legislature; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law defines “person with mental illness” as a person whose capacity to exercise self-control, judgment and discretion in the conduct of the person’s affairs and social relations or to care for his or her personal needs is diminished, as a result of mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others. (NRS 433A.115) Existing law authorizes certain persons to file an application for the emergency admission of a person alleged to be a person with mental illness to certain facilities. (NRS 433A.160) **Section 1.5** of this bill expands the list of persons who are authorized to file such an application to include a physician assistant.

Existing law requires a person to be examined by a physician, physician assistant or advanced practice registered nurse before being admitted to a mental health facility on an emergency basis. (NRS 433A.165) **Section 1.6** of this bill authorizes a paramedic to conduct such an examination.

Existing law requires an application for the emergency admission of a person alleged to be a person with a mental illness to be accompanied by a certificate of a psychiatrist or licensed psychologist or, if neither is available, a physician, stating that the person has a mental illness and, because of the mental illness, is likely to harm himself or herself or others if not admitted to certain facilities or programs. (NRS 433A.170, 433A.200) Under existing law, a licensed physician on the medical staff of certain facilities may release a person alleged to be a person with mental illness who has been admitted on an emergency basis if a licensed physician on the medical staff of the facility completes a certificate stating that the person admitted is not a person with a mental illness. (NRS 433A.195) **Sections 1, 1.7, 2, 3 and 4** of this bill authorize a physician assistant under the supervision of a psychiatrist, a psychologist, a clinical social worker with certain psychiatric training and experience, an advanced practice registered nurse with certain psychiatric training and experience or an accredited agent of the Department of Health and Human Services to complete such a certificate while still requiring a licensed physician on the medical staff of the facility to release the person. **Sections 4.2 and 4.7** of this bill require the State Board of Nursing and the Board of Examiners for Social Workers to adopt regulations prescribing the psychiatric training and experience
necessary before an advanced practice registered nurse or clinical social worker, as applicable, may complete such a certificate.

Existing law requires the administrative officer of a public or private mental health facility to give notice to the spouse or legal guardian of a person who is admitted to the facility under emergency admission within 24 hours after such admission. Sections 1.9 and 4 of this bill require the notification of a family member or other person with a legitimate interest in a person, if any, alleged to be a person with mental illness if: (1) the person is transported to a mental health facility, hospital or other place for purposes of an emergency admission; or (2) a petition is filed for the involuntary-court ordered admission of the person to a mental health facility or a program of community-based or outpatient services. This requirement does not apply if the application for emergency admission or involuntary court-ordered admission was filed by the spouse, legal guardian or adult child of the person.

Existing law prohibits a person who is related by blood or marriage within the first degree of consanguinity or affinity from completing: (1) an application for the emergency admission of such a person to a mental health facility; (2) a certificate stating that a person has a mental illness, is likely to harm himself or herself or others if not admitted to a mental health facility on an emergency basis; or (3) a certificate stating that a person is not a person with a mental illness. (NRS 433A.197) Section 3 also prohibits a person who is related by blood or marriage within the second degree of consanguinity or affinity to a person alleged to be a person with mental illness from completing such an application or certificate.

Existing law authorizes the spouse or a parent, adult child or legal guardian of a person and certain other persons to file a petition for the involuntary court-ordered admission of a person alleged to be a person with mental illness to a mental health facility or to a program of community-based or outpatient services. (NRS 433A.200) Section 4 further authorizes a physician assistant to file such a petition.

Sections 1.5 and 4.1 of this bill require each mental health facility, hospital, program of community-based or outpatient services and other provider of treatment to which a person with mental illness is involuntarily admitted to report to the Legislative Commission the number of emergency and involuntary admissions the facility, hospital, program or other provider of treatment receives each year, categorized by the profession of the person who signed the application or petition. Existing law requires any provision that adds or revises a requirement to submit a report to the Legislature to: (1) expire by limitation after 5 years; or (2) contain a statement by the Legislature setting forth the justification for continuing the requirement for more than 5 years.
NRS 218D.380 To comply with this requirement, section 5 of this bill provides for the expiration by limitation after 5 years of the requirement that such facilities, programs and providers report the number of emergency and involuntary admissions received each year.

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

Section 1. NRS 433A.145 is hereby amended to read as follows:
433A.145 1. If a person with mental illness is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless the hospital or facility receives, before the change in status is made, an application for an emergency admission pursuant to NRS 433A.160 and the certificate of a psychiatrist, psychologist, physician, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department pursuant to NRS 433A.170.

2. A person whose status is changed pursuant to subsection 1 must not be detained in excess of 48 hours after the change in status is made unless, before the close of the business day on which the 48 hours expires, a written petition is filed with the clerk of the district court pursuant to NRS 433A.200.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 1.5. NRS 433A.160 is hereby amended to read as follows:
433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:
(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

only if the agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.

The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an
evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. **On or before February 1 of each year, each public or private mental health facility and hospital shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which must include, without limitation, the number of persons admitted to the facility or hospital on an emergency basis pursuant to this section during the previous calendar year, categorized by the profession of the person who signed the application for the emergency admission pursuant to subsection 1.**

6. **As used in this section, “an accredited agent of the Department” means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.**

**Sec. 1.55. NRS 433A.160 is hereby amended to read as follows:**

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS, only if the agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe


that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.

The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. [On or before February 1 of each year, each public or private mental health facility and hospital shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which must include, without limitation, the number of persons admitted to the facility or hospital on an emergency basis pursuant to this section during the previous calendar year, categorized by the profession of the person who signed the application for the emergency admission pursuant to subsection 1.

6. As used in this section, “an accredited agent of the Department” means any person appointed or designated by the Director of the Department
to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

**Sec. 1.6.** NRS 433A.165 is hereby amended to read as follows:

433A.165  1. Before a person alleged to be a person with mental illness may be admitted to a public or private mental health facility pursuant to NRS 433A.160, the person must:

(a) First be examined by a licensed physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, an advanced practice registered nurse licensed pursuant to NRS 632.237 or a paramedic certified pursuant to chapter 450B of NRS at any location where such a physician, physician assistant, advanced practice registered nurse or paramedic is authorized to conduct such an examination to determine whether the person has a medical problem, other than a psychiatric problem, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

1. To a hospital if the person is in need of emergency services or care; or

2. To another appropriate medical facility if the person is not in need of emergency services or care.

2. If a person with a mental illness has a medical problem in addition to a psychiatric problem which requires medical treatment that requires more than 72 hours to complete, the licensed physician, physician assistant, advanced practice registered nurse or paramedic who examined the person must:

(a) On the first business day after determining that such medical treatment is necessary file with the clerk of the district court a written petition to admit the person to a public or private mental health facility pursuant to NRS 433A.160 after the medical treatment has been completed. The petition must:

1. Include, without limitation, the medical condition of the person and the purpose for continuing the medical treatment of the person; and

2. Be accompanied by a copy of the application for the emergency admission of the person required pursuant to NRS 433A.160 and the certificate required pursuant to NRS 433A.170.

(b) Seven days after filing a petition pursuant to paragraph (a) and every 7 days thereafter, file with the clerk of the district court an update on the medical condition and treatment of the person.

3. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:
(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of NRS 439B.410.

4. The cost of the examination must be paid by the county in which the person alleged to be a person with mental illness resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the person alleged to be a person with mental illness or, on the person’s behalf, by his or her insurer or by a state or federal program of medical assistance.

5. The county may recover all or any part of the expenses paid by it, in a civil action against:

(a) The person whose expenses were paid;

(b) The estate of that person; or

(c) A responsible relative as prescribed in NRS 433A.610, to the extent that financial ability is found to exist.

6. The cost of treatment, including hospitalization, for a person who is indigent must be paid pursuant to NRS 428.010 by the county in which the person alleged to be a person with mental illness resides.

7. The provisions of this section do not require the Division to provide examinations required pursuant to subsection 1 at a Division facility if the Division does not have the:

(a) Appropriate staffing levels of physicians, physician assistants, advanced practice registered nurses, paramedics or other appropriate staff available at the facility as the Division determines is necessary to provide such examinations; or

(b) Appropriate medical laboratories as the Division determines is necessary to provide such examinations.

8. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define “emergency services or care” as that term is used in this section; and

(b) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

9. As used in this section, “medical facility” has the meaning ascribed to it in NRS 449.0151.

Sec. 1.7. NRS 433A.170 is hereby amended to read as follows:

433A.170 [Except as otherwise provided in this section, the] The administrative officer of a facility operated by the Division or of any other public or private mental health facility or hospital shall not accept an application for an emergency admission under NRS 433A.160 unless that
application is accompanied by a certificate of a psychiatrist or a licensed psychologist, a physician, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department stating that he or she has examined the person alleged to be a person with mental illness and that he or she has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty. If a psychiatrist or licensed psychologist is not available to conduct an examination, a physician may conduct the examination. The certificate required by this section may be obtained from a psychiatrist, licensed psychologist, or physician, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department who is employed by the public or private mental health facility or hospital to which the application is made.

Sec. 1.9. NRS 433A.190 is hereby amended to read as follows:

433A.190 Except as otherwise provided in this section, if a person is transported to a public or private mental health facility, hospital or other place for the purpose of seeking an emergency admission to a public or private mental health facility, the administrative officer of the facility or hospital shall, as soon as possible but in no case later than 24 hours after the person arrives at the facility, hospital or other place, give notice of such admission in person, by telephone or facsimile and by certified mail to the spouse or, if a spouse is unavailable, to another person who has a legitimate interest in the person, if any. The provisions of this subsection do not apply if the application for the emergency admission of the person was filed by the spouse, adult child or legal guardian of the person.

Sec. 2. NRS 433A.195 is hereby amended to read as follows:

433A.195 A licensed physician on the medical staff of a facility operated by the Division or of any other public or private mental health facility or hospital may release a person admitted pursuant to NRS 433A.160 upon completion of a certificate which meets the requirements of NRS 433A.197 signed by a licensed physician on the medical staff of the facility or hospital, a physician assistant under the supervision of a psychiatrist, a psychologist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the
psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department stating that he or she has personally observed and examined the person and that he or she has concluded that the person is not a person with a mental illness.

Sec. 3. NRS 433A.197 is hereby amended to read as follows:

433A.197 1. An application or certificate authorized under subsection 1 of NRS 433A.160 or NRS 433A.170 or 433A.195 must not be considered if made by a psychiatrist, psychologist, physician, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department who is related by blood or marriage within the second degree of consanguinity or affinity to the person alleged to be a person with mental illness, or who is financially interested in the facility in which the person alleged to be a person with mental illness is to be detained.

2. An application or certificate of any examining person authorized under NRS 433A.170 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by such examining person not more than 72 hours prior to the making of the application or certificate. The certificate required pursuant to NRS 433A.170 must set forth in detail the facts and reasons on which the examining person based his or her opinions and conclusions.

3. A certificate authorized pursuant to NRS 433A.195 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by the examining physician, physician assistant, psychologist, clinical social worker, advanced practice registered nurse or accredited agent of the Department. The certificate authorized pursuant to NRS 433A.195 must describe in detail the facts and reasons on which the examining physician, physician assistant, psychologist, clinical social worker, advanced practice registered nurse or accredited agent of the Department based his or her opinions and conclusions.

Sec. 4. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility or to a program of community-based or outpatient services with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, physician assistant, psychologist, social worker or registered nurse, by an accredited agent of the Department or by
any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, psychiatrist or a licensed psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; or

(b) By a sworn written statement by the petitioner that:

1. The petitioner has, based upon the petitioner’s personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; and

2. The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

3. Except as otherwise provided in this subsection, as soon as possible after a petition is filed pursuant to subsection 1, but in no case later than 24 hours after the petition is filed, the clerk of the court with which the petition is filed shall give notice of the petition in person, by telephone or facsimile and by certified mail to the spouse, adult child or legal guardian of the person alleged to be a person with mental illness, if a spouse, adult child or legal guardian is unavailable, to another person who has a legitimate interest in the person, if any. The provisions of this subsection do not apply if the application was filed by the spouse, adult child or legal guardian of the person alleged to be a person with mental illness.

Sec. 4.1. NRS 433A.310 is hereby amended to read as follows:
433A.310 1. Except as otherwise provided in NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person:
   (a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility or to a program of community-based or outpatient services.
   (b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court may order the involuntary admission of the person for the most appropriate course of treatment, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. A court shall not admit a person to a program of community-based or outpatient services unless:
   (a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;
   (b) The person is 18 years of age or older;
   (c) The person has a history of noncompliance with treatment for mental illness;
   (d) The person is capable of surviving safely in the community in which he or she resides with available supervision;
   (e) The court determines that, based on the person’s history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person which is likely to result in harm to himself or herself or others;
   (f) The current mental status of the person or the nature of the person’s illness limits or negates his or her ability to make an informed decision to seek treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;
(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to NRS 433A.315.

3. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division, any mental health facility that is not operated by the Division or a program of community-based or outpatient services may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility or to a program of community-based or outpatient services.

4. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including involuntary admission to a program of community-based or outpatient services, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

5. If the court issues an order involuntarily admitting a person to a public or private mental health facility or to a program of community-based or outpatient services pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, on a form prescribed by the Department of Public Safety, a record of such order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

6. On or before February 1 of each year, each public or private mental health facility and program of community-based or outpatient services and any other provider of treatment to which a person is admitted pursuant to this section shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which must include, without limitation, the number of persons admitted to the facility, program or other treatment by a court pursuant to this section during the previous
calendar year, categorized by the relationship of the person who signed the petition for involuntary admission pursuant to subsection 1 of NRS 433A.200, to the person admitted, including family, guardian or specific profession.

7. As used in this section, “National Instant Criminal Background Check System” has the meaning ascribed to it in NRS 179A.062.

Sec. 4.2. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:
(a) Adopt regulations establishing reasonable standards:
   (1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.
   (2) Of professional conduct for the practice of nursing.
   (3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

   (4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.
(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.
(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The Board may adopt regulations establishing reasonable:
(a) Qualifications for the issuance of a license or certificate under this chapter.
(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:
(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;
(b) Evaluating the professional competence of licensees or holders of a certificate;
(c) Conducting hearings pursuant to this chapter;
(d) Duplicating and verifying records of the Board; and
(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing.
and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term “in the process of obtaining accreditation.”

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 4.7. NRS 641B.160 is hereby amended to read as follows:

641B.160 The Board shall adopt such:

1. Such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter; and

2. Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200.

Sec. 5. 1. This section and sections 1, 1.5, 1.6 to 4, inclusive, 4.2 and 4.7 of this act become effective upon passage and approval.

2. Sections 1.55 of this act becomes effective on February 2, 2020.

3. Section 4.1 of this act expires by limitation on February 1, 2020.

Assemblyman Moore moved the adoption of the amendment.
Remarks by Assemblyman Moore and Kirkpatrick.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 114.
Bill read third time.
Remarks by Assemblywoman Shelton.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 114:
YEAS—42.
NAYS—None.
Assembly Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 239.
Bill read third time.
Remarks by Assemblyman Elliot Anderson.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 239:
  YEAS—42.
  NAYS—None.
Assembly Bill No. 239 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
  Bill ordered transmitted to the Senate.

Assembly Bill No. 386.
  Bill read third time.
  Remarks by Assemblymen Flores and Seaman.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 386:
  YEAS—42.
  NAYS—None.
Assembly Bill No. 386 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
  Bill ordered transmitted to the Senate.

Assembly Bill No. 85.
  Bill read third time.
  Remarks by Assemblyman Ellison.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 85:
  YEAS—33.
Assembly Bill No. 85 having received a two-thirds majority, Mr. Speaker
declared it passed, as amended.
  Bill ordered transmitted to the Senate.

Assembly Bill No. 356.
  Bill read third time.
The following amendment was proposed by Assemblywoman Fiore:
  Amendment No. 576.
  AN ACT relating to unlawful acts; prohibiting a person from engaging in
certain acts against a business; prohibiting certain activities while engaged in
picketing; providing civil and criminal penalties; and providing other matters
properly relating thereto.
  Legislative Counsel’s Digest:
  Section 2 of this bill prohibits a person from committing certain acts with
the intent to coerce or intimidate a business. Section 3 of this bill prohibits a
person from intentionally or recklessly destroying, marking or damaging the
property or merchandise owned by or in the control of a business. **Section 4.5** of this bill prescribes certain civil remedies that may be available for a violation of **section 2 or 3**.

**Section 9.7** of this bill repeals provisions of existing law which provide that it is unlawful, in the context of certain labor-related disputes, to engage in certain activities while picketing. (NRS 614.160) **Section 9.3** of this bill reenacts provisions of general applicability which prohibit certain activities while picketing, without regard to the purpose for which a person is engaged in picketing. **Section 9.3** provides that it is unlawful for a person, while picketing, to: (1) picket on private property without consent or a court order; (2) narrow, block, or otherwise obstruct the ingress or egress to public or private property or obstruct any public or private roadway so as to prevent the safe passage of vehicles; (3) knowingly threaten, assault or touch a person entering or leaving any public or private property, or to use language or words threatening to do immediate physical harm to a person or the property of a person or to incite fear of immediate physical harm to a person; or (4) knowingly spread, drop, throw or disperse certain sharp objects in the entrances to or exits from any public or private property. A violation of **section 9.3** is a misdemeanor, and a person may petition a court to enjoin ongoing activity that is a violation of that section. A person who files a petition to enjoin such activity is entitled to a rebuttable presumption of irreparable harm.

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

**Section 1.**  Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.5, inclusive, of this act.

**Sec. 2.**  **A person shall not damage, injure, harm, threaten or maliciously disrupt the lawful activities of any business or any employee or representative of that business with the intent to coerce or intimidate that business.**

**Sec. 3.**  **A person shall not intentionally or recklessly destroy, mark or damage the property or merchandise owned by or in the control of any business.**

**Sec. 4.**  **The provisions of sections 2 and 3 of this act are not intended to infringe upon or impede any lawful exercise of rights provided by the First Amendment to the United States Constitution, including, without limitation, lawful picketing conducted in accordance with the provisions of section 9.3 of this act.**

**Sec. 4.5.**  **1. A business or the owner of a business may bring a civil action against a person for an alleged violation of** section :
(a) Section 2 [or 3] of this act, and may recover:

[(a) Actual]

(1) Statutory damages in the amount of $2,500 or the amount of actual damages, whichever is greater; and

[(b) (2) Attorney’s fees and costs incurred in the action.

(b) Section 3 of this act, and may recover:

(1) Actual damages; and

(2) Attorney’s fees and costs incurred in the action.

2. A business or the owner of a business aggrieved by a violation of section 2 or 3 of this act may petition a court of competent jurisdiction to enjoin any ongoing activity that is alleged to be a violation of section 2 or 3 of this act.

Sec. 5. (Deleted by amendment.)
Sec. 6. (Deleted by amendment.)
Sec. 7. (Deleted by amendment.)
Sec. 8. (Deleted by amendment.)
Sec. 9. (Deleted by amendment.)
Sec. 9.3. Chapter 203 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is unlawful for any person:

(a) To picket on private property without the written permission of the owner or unless the person obtains an order from a court or agency of competent jurisdiction authorizing such activity, except that an employee may enter or leave his or her employer’s property in the course of his or her employment or for the purpose of receiving payment for services performed;

(b) To maintain any picket or picket line, individually or as part of a group, in front of or across entrances to or exits from any property if such picket or picket line narrows or blocks the entrances or exits, or interferes with the ability of a person or vehicle to enter or leave the property;

(c) Knowingly to threaten, assault or in any manner physically touch the person, clothing or vehicle of any person attempting to enter or leave any property, including, without limitation, any employees, agents, contractors, representatives, guests, customers or others doing or attempting to do business with the owner or occupant of the property;

(d) Intentionally to operate a motor vehicle so as to delay, impede or interfere with the ability of persons or vehicles to enter or leave any property;

(e) To use language or words threatening to do immediate physical harm to a person or the property of the person, or designed to incite fear of immediate physical harm in any person attempting to enter or leave any property;
(f) Knowingly to spread, drop, throw or disperse nails, tacks, staples, glass or other sharp objects in the entrances to or exits from any property;

(g) Intentionally to obstruct the ingress or egress of any property from any public or private place in such a manner as to not leave a free passageway for persons and vehicles lawfully seeking to enter or leave the public or private place; or

(h) Intentionally to obstruct any public or private roadway, including, without limitation, intersections, so as to prevent the safe passage of vehicles thereon or therethrough.

2. Each local government shall by ordinance adopt a procedure by which it may grant a variance from the provisions of paragraph (b) of subsection 1, except that the local government shall not grant a variance:

(a) Specifically permitting the obstruction by picketing of any public or private roadway or the ingress or egress of any public or private place; or

(b) Permitting picketing if such activity would necessarily involve or require the obstruction of any public or private roadway or the ingress or egress of any public or private place.

3. A person who violates this section is guilty of a misdemeanor.

4. A person aggrieved by a violation of this section may petition a court of competent jurisdiction to enjoin any ongoing activity that is alleged to be a violation of this section. A person who files a petition to enjoin any activity that is alleged to be a violation of this section is entitled to a rebuttable presumption of irreparable harm.

5. The provisions of subsections 3 and 4 do not preclude any additional civil action or criminal prosecution based upon acts which are otherwise prohibited by law.

6. Nothing in this section shall be deemed to alter, modify, amend or conflict with any provision of federal law, including, without limitation, the National Labor Relations Act, 29 U.S.C. §§ 151 et seq., or the Labor Management Relations Act, 29 U.S.C. §§ 401 et seq.

7. As used in this section, “picket” or “picketing” means the stationing of a person or persons at any location or area for the purpose of engaging in a demonstration or protest.

Sec. 9.5. NRS 449.760 is hereby amended to read as follows:

449.760 1. Except as otherwise provided in this section, a person shall not intentionally prevent another person from entering or exiting the office of a physician, a health facility, a nonprofit health facility, a public health center, a medical facility or a facility for the dependent by physically:

(a) Detaining the other person; or

(b) Obstructing, impeding or hindering the other person’s movement.

2. The provisions of subsection 1 are inapplicable to:
(a) An officer, employee or agent of the physician, health facility, nonprofit health facility, public health center, medical facility or facility for the dependent; or
(b) A peace officer as defined in NRS 169.125, while acting within the course and scope of his or her duties or employment.

3. The provisions of subsection 1 do not prohibit a person from maintaining a picket during a strike or work stoppage in compliance with the provisions of section 9.3 of this act or from engaging in any constitutionally protected exercise of free speech.

4. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, or by imprisonment in the county jail for not more than 3 months, or by both fine and imprisonment.

5. As used in this section, the terms “health facility,” “nonprofit health facility” and “public health center” have the meanings ascribed to them in NRS 449.260.

Sec. 9.7. NRS 641.160 is hereby repealed.

Sec. 10. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

614.160 Picketing: Unlawful acts; acceptable acts; local variance; penalty.

1. During the pendency of a strike, work stoppage or other dispute, it is unlawful for any person:
   (a) To picket on private property without the written permission of the owner or pursuant to an order from a federal court or agency of competent jurisdiction, even if the private property is open to the public as invitees for business, except that an employee may enter or leave his or her employer’s property in the course of his or her employment or for the purpose of receiving payment for services performed;
   (b) To maintain any picket or picket line, individually or as part of a group, in front of or across entrances to or exits from any property, except that the following numbers of pickets may be maintained across entrances or exits if the pickets do not narrow or block the entrances or exits or delay, impede or interfere with the ability of persons or vehicles to enter or leave the property:
      (1) Two pickets at pedestrian entrances and exits;
      (2) Two pickets at driveway entrances and exits 20 feet or less in width; and
      (3) Six pickets at driveway entrances and exits more than 20 feet in width;
(c) Knowingly to threaten, molest, assault, or in any manner physically touch the person, clothing or vehicle of any person attempting to enter or leave any property, including employees, agents, contractors, representatives, guests, customers or others doing or attempting to do business with the owner or occupant;

(d) Intentionally to operate a motor vehicle so as to delay, impede or interfere with the ability of persons or vehicles to enter or leave any property;

(e) To use language or words threatening to do harm to a person or the property of the person or designed to incite fear in any person attempting to enter or leave any property; or

(f) Knowingly to spread, drop, throw or otherwise knowingly to disperse nails, tacks, staples, glass or other objects in the entrances to or exits from any property.

2. Any persons participating in a strike, work stoppage or other dispute may picket on the public sidewalks or other public areas between entrances and exits to any property if the pickets maintain a distance of 30 feet from each person or group of two persons to the next person or group and no more than two persons walk abreast.

3. Persons who picket any property may congregate in groups of 10 or fewer to confer with their captain at reasonable times or to obtain food and drink at reasonable times, but shall not so congregate within 30 feet of any entrance or exit.

4. Each county shall adopt by ordinance a procedure by which it may grant a variance from the provisions of paragraph (b) of subsection 1.

5. Any person who violates the prohibitions of this section or of a variance granted pursuant to subsection 4 is guilty of a misdemeanor. This section does not preclude civil action or additional criminal prosecution based upon acts which are prohibited by this section.

Assemblywoman Fiore moved the adoption of the amendment. Remarks by Assemblywomen Fiore and Carlton.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Amendment Adopted.
Assemblywoman Carlton requested a roll call vote.
Sustained by Assemblywomen Spiegel and Joiner.

YEAS—24
NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Hickey, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—18

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 357.
Bill read third time.
Remarks by Assemblymen Fiore and Edwards.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 357:

YEAS—41.

NAYS—Edwards.

Assembly Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 362.

Bill read third time.

Remarks by Assemblywoman Swank.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Assembly Bill No. 362:

YEAS—34.

NAYS—Armstrong, Dickman, Dooling, Ellison, Fiore, Kirner, Seaman, Shelton—8.

Assembly Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed, as amended. Bill ordered transmitted to the Senate.

Assembly Bill No. 408.

Bill read third time.

The following amendment was proposed by Assemblywoman Shelton:

Amendment No. 642.

AN ACT relating to governmental administration; declaring the support of the Legislature for certain uses of private property and public lands in this State; authorizing the sheriff of a county to enter into an agreement with a federal agency concerning primary responsibility or the exercise of law enforcement authority on land managed by the federal agency under certain circumstances; enacting provisions governing the right to access and use public lands for certain purposes and the right to the beneficial use of any resources located on deeded property in this State; enacting provisions governing certain grazing rights; prohibiting the Federal Government from engaging in certain activities in this State; providing that certain land, water or other natural resources for which ownership is claimed by the Federal Government shall be deemed to be the common property of the residents of this State; providing that sheriffs and their deputies are the primary law enforcement officers in the unincorporated areas of their respective counties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Under existing law, the Legislature has declared that the public policy of this State is to continue to seek the acquisition of lands retained by the Federal Government within the borders of this State. (NRS 321.00051) Section 11 of this bill expands that public policy to include: (1) support for an owner of private property in this State to use any resources located on that private property; (2) support for the members of the general public in this State to access and use any public lands in this State for certain recreational activities; and (3) support for the residents of this State to use any public lands in this State in a manner which ensures multiple uses of those public lands for those residents. Section 12.5 of this bill enacts certain provisions concerning rights to use land and prohibits the Federal Government from engaging in certain activities in this State. Specifically, section 12.5 provides that, notwithstanding any other provision of law to the contrary: (1) the right of the residents of this State to access and use public lands in this State for recreational use must not be infringed; (2) the right to the beneficial use of any resources located on deeded property in this State shall be deemed to be reserved to the owner of the property; and (3) a person who owns any stock watering rights pursuant to chapter 533 of NRS shall be deemed to be the owner of any grazing rights for stock watering rights. In addition, section 12.5: (1) prohibits the Federal Government from enforcing any law or regulation in this State except on certain land; (2) prohibits the Federal Government and any governmental entity located outside this State from submitting an application for, owning or otherwise claiming stock watering rights on certain land; and (3) provides that certain land, water or other natural resources to which the Federal Government claims ownership shall be deemed to be the common property of the residents of this State which must be acquired and used in a certain manner.

Existing law sets forth the general powers and duties of sheriffs and their deputies in this State. (NRS 248.090-248.250) Section 12 of this bill authorizes the sheriff of any county in this State to enter into an agreement with certain federal agencies pursuant to which the sheriff and his or her deputies are primarily responsible for the exercise of law enforcement authority on land managed by those federal agencies if the agreement: (1) requires the payment of fair compensation to the sheriff for exercising law enforcement authority based on federal statutes and regulations; and (2) provides that the federal agency recognizes the sheriff as the primary law enforcement authority on the land managed by the federal agency. Section 13 of this bill removes the existing provisions of NRS 248.090 which impose a duty on sheriffs and their deputies to: (1) keep and preserve the peace and quiet; (2) suppress all affrays, riots and insurrections; (3) provide service of process in civil or criminal cases; and (4) apprehend
or secure any person for a felony or breach of the peace and instead
provides that the sheriffs and their deputies are the primary law enforcement
officers [of the unincorporated areas of] in their respective counties. [4] and
any exercise of law enforcement authority in a county in this State must
be authorized by the sheriff of that county.

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

Section 1. (Deleted by amendment.)
Sec. 2. (Deleted by amendment.)
Sec. 3. (Deleted by amendment.)
Sec. 4. (Deleted by amendment.)
Sec. 5. (Deleted by amendment.)
Sec. 6. (Deleted by amendment.)
Sec. 7. (Deleted by amendment.)
Sec. 8. (Deleted by amendment.)
Sec. 9. (Deleted by amendment.)
Sec. 10. (Deleted by amendment.)
Sec. 11. [NRS 321.00051 is hereby amended to read as follows:

321.00051  The Legislature hereby declares that the public policy of this
State is [to]:

1. To continue to seek the acquisition of lands retained by the Federal
Government within the borders of this State [and]
2. To support the ability of:
   (a) An owner of private property in this State to use any resources
located on that private property, including, without limitation, the
development of any subsurface rights;
   (b) The members of the general public in this State to access and use
any public lands in this State, including, without limitation, any public
lands managed and controlled by the Federal Government in this State, for
camping, fishing, hiking, hunting, rock climbing, trail riding and any other
recreational activity; and
   (c) The residents of this State to use those public lands in a manner
which ensures multiple uses of those public lands for those residents.

(Deleted by amendment.)
Sec. 12. [Chapter 248 of NRS is hereby amended by adding thereto a
new section to read as follows:

1. The sheriff of a county in this State may enter into an agreement
with a federal agency pursuant to which the sheriff and his or her deputies
are primarily responsible for the exercise of law enforcement authority on
land managed by the federal agency, if the agreement

(Deleted by amendment.)
(a) Requires the payment of fair compensation to the sheriff for exercising law enforcement authority based on federal statutes and regulations on the land managed by the federal agency; and
(b) Provides that the federal agency recognizes the sheriff as the primary law enforcement authority on the land managed by the federal agency.

2. As used in this section:
   (a) "Exercising law enforcement authority" and "exercise of law enforcement authority" means:
      (1) To take any action to investigate, stop, serve process on, search, arrest, cite, book or incarcerate a person for a federal criminal violation when the action is based on a federal statute or regulation; or
      (2) To gain access to or use the correctional or communication facilities and equipment of any state or local law enforcement agency.
   (b) "Federal agency" means:
      (1) The Bureau of Land Management;
      (2) The Bureau of Reclamation;
      (3) The National Park Service;
      (4) The United States Fish and Wildlife Service; or
      (5) The United States Forest Service.

Sec. 12.5. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any provision of law to the contrary:
   (a) The right of the residents of this State to access and use any public lands in this State for camping, fishing, hiking, hunting, rock climbing, trail riding, including motorized vehicles, or any other recreational use must not be infringed and those public lands must be administered in a manner which ensures multiple uses of those public lands for those residents.
   (b) The right to the beneficial use of any resources located on deeded property in this State, including, without limitation, the development of any subsurface minerals, shall be deemed to be reserved to the owner of the property.
   (c) Forage and access are essential components of stock watering rights and a person who owns any stock watering rights pursuant to chapter 533 of NRS shall be deemed to be the owner of any grazing rights for the vested stock watering rights.
   (d) The Federal Government and any officer or agent of the Federal Government shall not enforce any law or regulation in this State except on land for which this State has given its consent to acquisition by the United States in accordance with Clause 17 of Section 8 of Article 1 of the Constitution of the United States.
(e) The Federal Government, and any officer or agent of the Federal Government, and any governmental entity located outside this State may not file an application for, be issued a permit or certificate for, own or otherwise claim any stock watering rights pursuant to chapter 533 of NRS on any land in this State other than land specified in paragraph (d).

(f) Any land, water or other natural resource to which the Federal Government claims ownership in this State, other than on land specified in paragraph (d), shall be deemed to be the common property of the residents of this State and must be acquired and used in the same manner as a right to appropriate water for a beneficial use pursuant to NRS 533.324 to 533.435, inclusive.

2. As used in this section, “public lands” includes, without limitation, any public lands managed and controlled by the Federal Government in this State.

Sec. 13. NRS 248.090 is hereby amended to read as follows:

248.090 1. Sheriffs and their deputies are the primary law enforcement officers in the unincorporated areas of their respective counties. In a county within the jurisdiction of a metropolitan police department, the sheriff and his or her deputies are the primary law enforcement officers in the unincorporated areas of the county and in any incorporated city whose law enforcement agency has been merged into the metropolitan police department. Any exercise of law enforcement authority in a county in this State must be authorized by the sheriff of that county.

2. Sheriffs and their deputies shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony, or breach of the peace, they may call upon the power of their county to aid in such arrest or in preserving the peace.

Sec. 14. This act becomes effective upon passage and approval.

Assemblywoman Shelton moved the adoption of the amendment. Remarks by Assemblymen Shelton, Kirkpatrick, Edwards, Carlton, Wheeler, Swank, Benitez-Thompson, Ellison, and Fiore.

April 20, 2015

Speaker John Hambrick
Assembly Chambers

Dear Speaker Hambrick:

You have asked to be informed when we have identified constitutional problems with a particular bill or amendment during the drafting process. This letter is to notify you that, based on the authorities and analysis provided in this letter, it is the opinion of this office that
Amendment No. 642 to the First Reprint of Assembly Bill No. 408 presents such constitutional problems. Amendment No. 642 proposes to amend the provisions of chapter 321 of NRS governing public lands in a manner which restricts the Federal Government from managing and controlling public lands in this State in accordance with federal laws and regulations. For the reasons set forth below, it is the opinion of this office that, if enacted into law in its current form, the amendment would be found unconstitutional.

Amendment No. 642 proposes to amend the provisions of chapter 321 of NRS governing public lands by adding a new section to that chapter concerning the use of public lands in Nevada that are currently managed and controlled by the Federal Government. Specifically, the amendment will add a new section to that chapter that, if enacted: (1) ensure that the right of the residents of this State to access and use any public lands in this State for camping, fishing, hiking, hunting, rock climbing, trail riding, including motorized vehicles, or any other recreational use must not be infringed and will require those lands to be administered in a manner which ensures multiple uses of those public lands for those residents; (2) provide that the beneficial use of any resources located on deeded property in this State, including, without limitation, the development of any subsurface minerals, shall be deemed to be reserved to the owner of the property; (3) provide that a person who owns any stock watering rights pursuant to chapter 533 of NRS shall be deemed to be the owner of any grazing rights for stock watering rights; (4) prohibit the Federal Government and any officer or agent of the Federal Government from enforcing any law or regulation in this State except on land for which this State has given its consent to acquisition by the United States in accordance with Clause 17 of Section 8 of Article 1 of the Constitution of the United States; (5) prohibit the Federal Government and any governmental entity located outside this State from filing an application for, being issued a permit or certificate for, owning or otherwise claiming any stock watering rights on any land in this State other than land for which such consent has been given; and (6) provide that any land, water or other natural resource to which the Federal Government claims ownership in this State, other than on land for which such consent has been given, shall be deemed to be the common property of the residents of this State and must be acquired and used in the same manner as a right to appropriate water for a beneficial use pursuant to NRS 533.324 to 533.435, inclusive. For the purpose of those provisions, Amendment No. 642 defines “public lands” to include “any public lands managed and controlled by the Federal Government in this State.” Additionally, Amendment No. 642 will, if enacted, amend the current provisions of existing law set forth in NRS 248.090 to provide that the sheriffs and their deputies in this State “are the primary law enforcement officers in their respective counties” and that any “exercise of law enforcement authority in a county in this State must be authorized by the sheriff of that county.” Finally, Amendment No. 642 will, if enacted, remove the existing provisions of NRS 248.090 which impose a duty on sheriffs and their deputies to (1) keep and preserve the peace and quiet; (2) suppress all affrays, riots and insurrections; (3) provide service of process in civil and criminal cases; and (4) apprehend or secure any person for a felony or breach of the peace.

In determining the constitutionality of Amendment No. 642, it is important to consider that the principal source of federal power to regulate and manage the public lands in this State is set forth in the Property Clause of the United States Constitution, which provides, in relevant part, that “[t]he Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.” U.S. Const. art. IV, § 3, cl. 2. It has long been held that the power of the Federal Government over the public lands entrusted to Congress pursuant to this clause is without limitation, Kleppe v. New Mexico, 96 S. Ct. 2285, 2291 (1976), and the exercise of that power may not be curtailed by state legislation. Denee v. Ankeny, 38 S. Ct. 226, 227 (1918); Icetina v. Marble, 56 Nev. 420, 433 (1936). When Congress exercises its exclusive right to control and dispose of the public lands of the United States, neither a state nor any state agency has any power to interfere. United States v. Montgomery, 155 F. Supp. 633, 635 (D. Mont. 1957). The United States Supreme Court and various federal courts have expanded these holdings to the extent that the power over federally
owned public land entrusted to Congress by the Property Clause of the United States Constitution is substantially without limitation. See California Coastal Comm'n v. Granite Rock Co., 107 S. Ct. 1419, 1425 (1987); and Nevada v. United States, 512 F. Supp. 166, 171 (D. Nev. 1981). The basic import of these holdings is that Congress may adopt any regulations concerning public lands so long as the regulations do not violate some specific provision of the United States Constitution.

The provisions of clause 17 of section 8 of article I of the United States Constitution, commonly referred to as the “Enclave Clause,” provide another source of federal authority to regulate and manage lands belonging to the United States. Those provisions state, in relevant part, that “[t]he Congress shall have Power To ... exercise exclusive Legislation ... over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.” U.S. Const. art. I, § 8, cl. 17. Pursuant to those provisions, the Federal Government may acquire land within a state by purchasing the land with the consent of the legislature of the state in which the land is located. The phrase “exclusive [l]egislation” used in those provisions has been construed to mean exclusive jurisdiction. Thus, where the Federal Government acquires land in accordance with those provisions, the Federal Government retains exclusive jurisdiction over that land and state laws generally do not apply within the area so acquired. Surplus Trading Co. v. Cook, 50 S. Ct. 455, 457 (1930) (holding that personal property belonging to a defendant located on a federal military installation in Arkansas was not subject to the laws of Arkansas taxing personal property in that state).

Despite the expansive reading by the courts of the power of Congress over public lands pursuant to the Property Clause and the Enclave Clause, the states are allowed, to a limited extent, to regulate areas in the federal public domain. States may enact quarantine rules and measures to prevent breaches of the peace, or prescribe other reasonable police regulations so long as the regulations are not arbitrary or inconsistent with applicable congressional enactments. See McKelvey v. United States, 43 S. Ct. 132, 135 (1922); In re Calvo, 50 Nev. 125, 135 (1927); Hagood v. Heckers, 513 P.2d 208 213 (1973); 43 Op. Att’y Gen. (1931). The United States does not in every case acquire exclusive jurisdiction when it receives title to lands located within a state. Acquisition by the United States of title to lands within the boundaries of a state is not sufficient in itself to exclude the state from exercising any legislative authority, including its taxing and police power, in relation to property and activities of individuals and corporations within the state. It must appear that the state, by consent or cession, has transferred to the United States that residuum of jurisdiction which it would otherwise be free to exercise before exclusive jurisdiction is acquired by the United States. State v. Cline, 322 P.2d 208, 213 (Okla. 1958). However, where Congress acts under the Property Clause by providing rules and regulations for public land, any state law which conflicts with federal law is superseded and must recede. See Bilderback v. United States, 558 F. Supp. 903 (D. Or. 1982); United States v. Brown, 431 F. Supp. 56, 63 (D. Minn. 1976); Ansolabehere v. Laborde, 73 Nev. 93, 107 (1957). Consent or cession of jurisdiction of a state is not required when Congress acts pursuant to its plenary authority to regulate public lands. United States v. Bohn, 622 F.3d 1129, 1134 (9th Cir. 2010); Nevada v. Watkins, 914 F.2d 1545, 1552 (9th Cir. 1990). Therefore, even though the State of Nevada may have a limited amount of concurrent jurisdiction over federal public lands under its taxing and police power, any state laws passed which conflict with existing federal laws are superseded under the Supremacy Clause of the United States Constitution.

Various persons and groups who criticize the authority of the Federal Government to manage and control lands in Nevada have often based their criticism in part upon the theory that the United States may not acquire title to land within a state unless the land was purchased with the consent of the legislature of the state in accordance with the provisions of the Enclave Clause. Because most federal public lands in Nevada were never acquired in this manner, those persons and groups argue that the Federal Government has unconstitutionally acquired title to the public lands in Nevada and therefore any federal law pertaining to the public lands has no effect. This
argument has been rejected by the courts. The United States Supreme Court has long recognized that the United States, at the discretion of Congress, may acquire and hold real property in any state, whenever such property is needed for the use of the government in the execution of any of its powers, whether for arsenals, fortifications, light-houses, custom-houses, barracks or hospitals, or for any other of the many public purposes for which such property is used. Van Brocklin v. Tennessee, 6 S. Ct. 670, 672 (1886). Although the mode in which the United States may acquire property is not prescribed by the Constitution, In re Will of Fox, 52 N.Y. 530 (N.Y. 1873), aff'd, 94 U.S. 315 (1877), Courts have held that the provisions of the Enclave Clause are not restrictive of the power of the United States to acquire lands for other governmental purposes and functions, United States v. Vogler, 859 F.2d 638, 641 (9th Cir. 1988), and those large areas of public lands used for forests, parks, ranges, wildlife sanctuaries, flood control and other such purposes are not covered by the Enclave Clause. Collins v. Yosemite Park & Curry Co., 58 S. Ct. 1009, 1014 (1938). Courts have also held that exclusive jurisdiction over land located within the boundary of a state may be obtained by: (1) excepting the land from the jurisdiction of the state upon admission of the state into the union; (2) cessation of jurisdiction from the state to the Federal Government; and (3) pursuant to the Enclave Clause. State v. Cline, 322 P.2d 208, 212 (Okla. 1958); Richardson v. Turner, 401 P.2d 443, 444 (Utah 1965). Based upon these authorities, it is clear that the United States may acquire property located within a state by means and for purposes other than those provided for in the Enclave Clause. This Clause simply establishes the exclusive jurisdiction of the United States over property which is acquired in the manner provided in the Enclave Clause. This clause does not dictate the only method by which the United States may gain title to property located within a state. Based upon these authorities, it is clear that Congressional power to prescribe rules and regulations concerning public lands entrusted to Congress is firmly entrenched, and ample authority exists upon which to invalidate state laws which conflict with federal laws concerning the management and control of federal public lands.

In addition to the general authority of the Federal Government to regulate and manage the public lands discussed above, several courts have specifically ruled on the issue of whether the Federal Government owns the public lands in Nevada, and at least one court has held that Nevada’s current statutory claim of ownership to the unappropriated public lands in this State set forth in NRS 321.596 to 321.599, inclusive, is unconstitutional and fails as a matter of law.

Before discussing the holdings in those cases, it may be helpful to provide a brief discussion concerning the provisions of NRS 321.596 to 321.599, inclusive, which set forth the statutory claim of ownership of the State of Nevada to certain public lands located within this State. Specifically, the provisions of NRS 321.5973 state that “[s]ubject to existing rights, all public lands in Nevada and all minerals not previously appropriated are the property of the State of Nevada and subject to its jurisdiction and control.” The provisions of NRS 321.5963 define the term “public lands” to mean:

[A]ll lands within the exterior boundaries of the State of Nevada except lands:

(a) To which title is held by any private person or entity;
(b) To which title is held by the State of Nevada, any of its local governments or the Nevada System of Higher Education;
(c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges or which are lands acquired by purchase consented to by the Legislature;
(d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or
(e) Which are held in trust for Indian purposes or are Indian reservations.
The provisions of NRS 321.597 require the Division of State Lands of the State Department of Conservation and Natural Resources to “hold the public lands of the State in trust for the benefit of the people of the State.”

In United States v. Nye County, 920 F. Supp. 1108 (D. Nev. 1996), the defendant Nye County, through its Board of County Commissioners, adopted a resolution claiming that the State of Nevada owned the public lands to which the provisions of NRS 321.596 to 321.599, inclusive, apply, and that the United States lacked the authority to manage those public lands within the boundaries of Nye County. The Board of County Commissioners also adopted a resolution declaring that certain roads, highways and other rights-of-way located on or crossing over those public lands were public roads of Nye County and were the property of Nye County. After those resolutions were adopted, a member of the Board of County Commissioners used a bulldozer owned by Nye County to reopen a road located within the Toiyabe National Forest which had been closed by the United States Forest Service. Id. at 1111. In response, the United States filed a civil complaint against Nye County in which it sought a declaratory judgment indicating that the United States owns and has the authority to manage the disputed public lands in Nye County and that the resolutions adopted by Nye County were preempted under federal law. Id. at 1110. In granting summary judgment in favor of the United States, the United States District Court for the District of Nevada stated that Nevada’s statutory claim of ownership of the unappropriated public lands of the United States is “unsupported, unconstitutional, and fails as a matter of law.” Id. at 1114. The Court further held that “the United States owns and has the power and authority to manage and administer the unappropriated public lands and National Forest System lands within Nye County, Nevada.” Id. at 1120.

Similarly, in United States v. Gardner, 107 F.3d 1314 (9th Cir. 1997), the defendants appealed the granting of an injunction and the imposition of a fee against the defendants for engaging in unauthorized grazing upon lands managed by the United States Forest Service. In affirming the injunction and the imposition of the fee, the United States Court of Appeals for the Ninth Circuit rejected the assertion made by the defendants that they were not required to obtain a grazing permit or pay fees for grazing on public lands managed by the United States Forest Service because those lands do not belong to the United States. The Court firmly rejected that argument and held that the United States is not required to hold, in trust for the establishment of future states, any public lands it acquires within the boundaries of this State and that the United States has authority under the Property Clause to “administer its federal lands any way it chooses.” Id. at 1318. The Court further held that the Equal Footing Doctrine does not “operate . . . to give Nevada title to the public lands within its boundaries.” Id. at 1319.

It is important to note that the holdings in Nye County and Gardner comport with the holding in the early case of Vansickle v. Haines, 7 Nev. 249 (1872) (overruled on other grounds in Jones v. Adams, 19 Nev. 78, 88 (1885)), wherein the Nevada Supreme Court stated that the United States has “absolute and perfect” title to the unappropriated public lands in Nevada. Vansickle, 7 Nev. at 260. In support of its conclusion, the Court stated that the:

United States is the unqualified proprietor of all public land to which the Indian title has been extinguished. Certainly there is none other who has any right to, or claim upon it, which in any way qualifies the right of the federal government. Although it has sometimes been suggested that the unoccupied lands belonged to the several states in which they may be located, the suggestion has never received the serious sanction of statesmen, or the courts of the country.

Id. at 261 (emphasis added).
Based upon the holdings in these cases, it is well-settled that the United States has been judicially declared to be the owner of the unappropriated public lands in this State and, as such, has the authority to manage and control those public lands. It is also well-settled that Nevada’s current statutory claim of ownership over those public lands set forth in NRS 321.596 to 321.599, inclusive, is unconstitutional and fails as a matter of law.


Congress has also declared, that “it is the policy of the United States that . . . the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in [the Federal Land Policy and Management Act], it is determined that disposal of a particular parcel will serve the national interest.” 43 U.S.C. § 1701. As to the National Park System, the purpose of the System is to “conserve the scenery, natural and historic objects, and wildlife in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wildlife . . . for the enjoyment of future generations.” 54 U.S.C. § 100101. In addition, as to entries made on public lands and patents issued under the provisions of federal law concerning stock-raising homesteads, Congress has required “[a]ll entries made and patents issued under the provisions of this Act [to] be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine and remove the same.” 43 U.S.C. § 299. Those provisions are a clear indication of the intent of Congress to retain management and control of the public lands in this State. In direct conflict with those provisions, Amendment No. 642 will, if enacted, prohibit the Federal Government from claiming ownership of any land, water or other natural resources on public lands which the Federal Government currently administers for mining operations and other activities under applicable federal laws and regulations, and those provisions will deem the land, water or natural resources to be the “common property” of the residents of this State. Furthermore, the Amendment will reserve to the owner of any “deeded property” in this State the right to the development of any subsurface minerals on the property. If the property consists of land that was acquired as a homestead for which the United States has reserved any coal or other minerals in that property pursuant to 43 U.S.C. § 299, the provisions of Amendment No. 642 would be contrary to applicable federal law. As such, all of these provisions would, if enacted, directly conflict with the authority of the Federal Government to manage and control the federal public lands in this State.

In addition to the issue concerning the enactment of laws by the State of Nevada which directly conflict with federal laws and regulations, the Supreme Court of the United States has held that state laws which are hostile to federal interests concerning public lands or which interfere with or otherwise handicap the efforts of federal agencies to carry out a national purpose are invalid. See North Dakota v. United States, 103 S. Ct. 1095, 1105 (1983); United States v. Little Lake Misere Land Co., 93 S. Ct. 2389, 2399 (1973); James Stewart & Co. v. Sardrakula, 60 S. Ct. 431, 436 (1940). This concept was borrowed by the court from the area of labor relations, stating that “incompatible doctrines of local law must give way to principles of federal labor law.” UAW v. Hoosier Cardinal Corp., 86 S. Ct. 1107, 1111 (1966). Other federal courts have reiterated and relied upon these holdings to invalidate various state laws when those
state laws have been applied to federal interests. See *Central Pines Land Co. v. United States*, 274 F.3d 881, 890 (5th Cir. 2001) (stating that the application of state laws may in some instances so strongly conflict with federal interests that those laws may be rejected without further analysis); *LaFargue v. United States*, 4 F. Supp. 2d. 593 (E.D. La. 1998) (holding that a law of the State of Louisiana which prohibited the Federal Government from selling certain pipeline rights-of-way separately from a related gas facility was inconsistent with and therefore inapplicable to federal interests in carrying out the Energy Policy and Conservation Act, 42 U.S.C. §§ 6201 et seq.); *Sierra Club v. Marsh*, 692 F. Supp. 1210, 1214 (S.D. Cal. 1988) (holding that a city ordinance which prohibited the transfer of certain land to the Federal Government in its attempt to carry out the provisions of the Endangered Species Act, 42 U.S.C. §§ 4321 et seq., was hostile to federal interests and therefore inapplicable to the transaction). At least one state court has held that state legislation which is “manifestly hostile” to the exercise of rights granted by a federal statute cannot stand. *Fullerton v. Lamm*, 163 P.2d 941, 945 (Or. 1945). The thrust of the holdings in these cases is that if a state enacts a state law which, either on its face or in its effect, is hostile to federal interests or impermissibly interferes or strongly conflicts with or handicaps the efforts of any agency of the Federal Government in carrying out federal laws having a national purpose, the state law may be struck down.

Finally, the concurring opinion of Justice Rehnquist in *United States v. Little Lake Misere Land Co.*, *supra*, stated that the “doctrine of intergovernmental immunity enunciated in *McCulloch v. Maryland*, however it may have evolved since that decision, requires at least that the United States be immune from discriminatory treatment by a State which in some manner interferes with the execution of federal laws.” *Little Lake Misere Land Co.*, 93 S. Ct. at 608 (citation omitted). This prohibition against discriminatory treatment has been reiterated to a certain extent by the Ninth Circuit in *Clifton v. Cox*, 549 F.2d 722 (9th Cir. 1977), wherein the Court stated that “[o]ne of the basic tenets in the application of the Supremacy Clause is that the states have no power to determine the extent of federal authority. To rule otherwise would allow a state to punish the exercise of federal authority under the guise of questioning the right of federal officials to act.” Id., at 730 (footnote omitted). The Nevada Supreme Court has made similar statements in *State v. Morros*, 104 Nev. 709 (1988), wherein the Court held that, as to the issue of the application of state water law to the Federal Government, the United States is to be “treated as a person . . . it is not to be feared, given preferential treatment and certainly not discriminated against.” Id., at 717. The Nevada Supreme Court has also held that the plain language of the provisions of chapter 533 of NRS governing the appropriation of water for a beneficial use do not prohibit the Federal Government, through the Bureau of Land Management, from applying for and receiving a permit for a stock watering right in the name of the United States. *United States v. State Engineer*, 117 Nev. 585, 587 (2001). The provisions of Amendment No. 642, if enacted, will prohibit the Federal Government from holding a permit or certificate for a stock watering right or from owning or otherwise claiming a stock watering right in this State. The provisions of Amendment No. 642 will also prohibit the Federal Government and any officer or agent of the Federal Government from enforcing any law or regulation in this State except on land acquired under the Enclave Clause. As such, the provisions of the amendment are hostile to federal interests concerning federal public lands and would handicap and interfere with the efforts of federal agencies to carry out federal laws enacted for a national purpose and will not withstand a constitutional challenge.

In conclusion, it is the opinion of this office that the provisions of Amendment No. 642 would, if enacted, be constitutionally invalid. The authority of the United States to acquire and control the public lands located in this State is extensive, and ample bases exist upon which a court could invalidate any state laws which are in direct conflict with existing federal laws concerning those public lands or which are hostile to or interfere with the exercise of federal authority over public lands. The provisions of Amendment No. 642 which propose to prohibit or limit the activities of the Federal Government in this State which the Federal Government is currently authorized to engage in under federal laws are in direct conflict with and would be
superseded by those federal laws. Additionally, the provisions of Amendment No. 642 which attempt to prohibit the Federal Government from applying for a permit or certificate for a stock watering right and which restrict the Federal Government in the enforcement of laws and regulations on those public lands would be held to be manifestly hostile to federal interests and discriminatory towards the Federal Government in carrying out policies of national concern. As such, it is the opinion of this office that under the current precedent, the provisions of Amendment No. 642, if enacted, would be held unconstitutional.

If you have any further questions regarding this matter, please do not hesitate to contact this office.

Sincerely,
Brenda J. Erdoes
Legislative Counsel

cc: Assemblyman Paul Anderson, Assembly Majority Leader

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Amendment failed.
Assemblywoman Fiore requested a roll call vote.
Sustained by Assemblywomen Benitez-Thompson and Kirkpatrick.
Roll call on Assembly Amendment No.642 to Assembly Bill No. 408.
YEAS—8.

The following amendment was proposed by Assemblywoman Fiore:
Amendment No. 595.

SUMMARY—Enacts provisions relating to governmental administration; requiring the establishment of a fund to provide assistance to the Attorney General in defending or protecting certain interests of this State; declaring the support of the Legislature for certain uses of private property and public lands in this State; authorizing the sheriff of a county to enter into an agreement with a federal agency concerning primary responsibility or the exercise of law enforcement authority on land managed by the federal agency under certain circumstances; providing that sheriffs and their deputies are the primary law enforcement officers in the unincorporated areas of their respective counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing the acquisition, use and management of state lands and certain other public lands in this State.
(Chapter 321 of NRS) Section 10.5 of this bill requires the Secretary of the Interim Finance Committee to establish a fund to provide assistance to the Attorney General in defending or protecting: (1) the interests of this State and its residents in the ownership, management or control of any public lands in this State, including, without limitation, any public lands managed and controlled by the Federal Government in this State; and (2) the sovereignty of this State as impaired by the management and control of those public lands by the Federal Government.

Under existing law, the Legislature has declared that the public policy of this State is to continue to seek the acquisition of lands retained by the Federal Government within the borders of this State. (NRS 321.00051) Section 11 of this bill expands that public policy to include: (1) support for an owner of private property in this State to use any resources located on that private property; (2) support for the members of the general public in this State to access and use any public lands in this State for certain recreational activities; and (3) support for the residents of this State to use any public lands in this State in a manner which ensures multiple uses of those public lands for those residents.

Existing law sets forth the general powers and duties of sheriffs and their deputies in this State. (NRS 248.090-248.250) Section 12 of this bill authorizes the sheriff of any county in this State to enter into an agreement with certain federal agencies pursuant to which the sheriff and his or her deputies are primarily responsible for the exercise of law enforcement authority on land managed by those federal agencies if the agreement: (1) requires the payment of fair compensation to the sheriff for exercising law enforcement authority based on federal statutes and regulations; and (2) provides that the federal agency recognizes the sheriff as the primary law enforcement authority on the land managed by the federal agency. Section 13 of this bill provides that the sheriffs and their deputies are the primary law enforcement officers of the unincorporated areas of their respective counties.

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

Section 1. (Deleted by amendment.)
Sec. 2. (Deleted by amendment.)
Sec. 3. (Deleted by amendment.)
Sec. 4. (Deleted by amendment.)
Sec. 5. (Deleted by amendment.)
Sec. 6. (Deleted by amendment.)
Sec. 7. (Deleted by amendment.)
Sec. 8. (Deleted by amendment.)
Sec. 9. (Deleted by amendment.)
Sec. 10. (Deleted by amendment.)

Sec. 10.5. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon the commencement, maintenance or defense of any civil or criminal action in which the Attorney General determines any interest or the sovereignty of this State must be defended or protected pursuant to this subsection, the Attorney General may request that the Secretary of the Interim Finance Committee establish a fund to provide assistance to the Attorney General in defending or protecting:
   (a) The interests of this State and its residents in the ownership, management or control of any public lands in this State, including, without limitation, any public lands managed and controlled by the Federal Government in this State; and
   (b) The sovereignty of this State as impaired by the management and control of those public lands by the Federal Government.

2. The fund must be administered by the Interim Finance Committee which may:
   (a) Apply for and accept any gift, donation, bequest, grant or other source of money for deposit into the fund; and
   (b) Expend any money received pursuant to paragraph (a) in accordance with subsection 3.

3. The Attorney General may submit a request to the Interim Finance Committee for an allocation of money from the fund. In considering the request, the Interim Finance Committee may require any additional information specified by the Interim Finance Committee to consider the request. As soon as practicable after receiving the request, the Interim Finance Committee shall grant or deny the request and notify the Attorney General of its decision.

4. Any interest and income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. The money in the fund must remain in the fund and does not revert to the State General Fund at the end of any fiscal year.

Sec. 11. NRS 321.00051 is hereby amended to read as follows:

321.00051 The Legislature hereby declares that the public policy of this State is:

1. To continue to seek the acquisition of lands retained by the Federal Government within the borders of this State; and

2. To support the ability of:
   (a) An owner of private property in this State to use any resources located on that private property, including, without limitation, the development of any subsurface rights;
(b) The members of the general public in this State to access and use any public lands in this State, including, without limitation, any public lands managed and controlled by the Federal Government in this State, for camping, fishing, hiking, hunting, rock climbing, trail riding and any other recreational activity; and

(c) The residents of this State to use those public lands in a manner which ensures multiple uses of those public lands for those residents.

Sec. 11.5. NRS 218E.405 is hereby amended to read as follows:

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.224, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630, 445B.830 and 538.650 and section 10.5 of this act. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director or the Director’s designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 12. Chapter 248 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The sheriff of a county in this State may enter into an agreement with a federal agency pursuant to which the sheriff and his or her deputies
are primarily responsible for the exercise of law enforcement authority on land managed by the federal agency, if the agreement:
(a) Requires the payment of fair compensation to the sheriff for exercising law enforcement authority based on federal statutes and regulations on the land managed by the federal agency; and
(b) Provides that the federal agency recognizes the sheriff as the primary law enforcement authority on the land managed by the federal agency.

2. As used in this section:
(a) "Exercising law enforcement authority" and “exercise of law enforcement authority” means:
(1) To take any action to investigate, stop, serve process on, search, arrest, cite, book or incarcerate a person for a federal criminal violation when the action is based on a federal statute or regulation; or
(2) To gain access to or use the correctional or communication facilities and equipment of any state or local law enforcement agency.
(b) "Federal agency" means:
(1) The Bureau of Land Management;
(2) The Bureau of Reclamation;
(3) The National Park Service;
(4) The United States Fish and Wildlife Service; or
(5) The United States Forest Service.

Sec. 13. NRS 248.090 is hereby amended to read as follows:

248.090 1. Sheriffs and their deputies are the primary law enforcement officers in the unincorporated areas of their respective counties. In a county within the jurisdiction of a metropolitan police department, the sheriff and his or her deputies are the primary law enforcement officers in the unincorporated areas of the county and in any incorporated city whose law enforcement agency has been merged into the metropolitan police department.

2. Sheriffs and their deputies shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony, or breach of the peace, they may call upon the power of their county to aid in such arrest or in preserving the peace.

Sec. 14. This act becomes effective upon passage and approval.
Assemblywoman Fiore moved the adoption of the amendment.
Remarks by Assemblymen Fiore, Sprinkle, Edwards, and Benitez-Thompson.

ASSEMBLYWOMAN FIORE:
Remark
Assemblyman Sprinkle:
remark
Assemblywoman Fiore:
remark
Assemblyman Edwards:
remark
Assemblywoman Kirkpatrick rose to a point of order regarding the disorderly use of words.
Mr. Speaker sustaied the point of order.
Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.
Assembly in recess at 8:05 p.m.

ASSEMBLY IN SESSION

At 8:07 p.m.
Mr. Speaker presiding.
Quorum present.
Assemblywoman Fiore:
Apology
Assemblywoman Benitez-Thompson:
remark
Assemblywoman Fiore:
remark
Roll call on Assembly Bill No. 408:
YEAS—8.
Assembly Bill No. 408 having failed to receive a constitutional majority, Mr. Speaker declared it lost.
Assembly Bill No. 91.
Bill read third time.
Remarks by Assemblymen Benitez-Thompson, Moore, Kirkpatrick, Fiore, Jones, Titus, Hickey, Seaman, and Oscarson.

Assemblywoman Benitez-Thompson:
Remark
Assemblyman Moore:
Assemblymen Oscarson, O’Neill, and Stewart moved the previous question.  
Motion carried.  
The question being the passage of Assembly Bill No. 91.  
Roll call on Assembly Bill No. 91:  
YEAS—34.  
NAYS—Dickman, Dooling, Fiore, Jones, Moore, Seaman, Shelton, Trowbridge—8.  
Assembly Bill No. 91 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.  
Bill ordered transmitted to the Senate.  

Assembly Bill No. 356.  
Bill read third time.  
Remarks by Assemblywoman Fiore.  

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)  

Roll call on Assembly Bill No. 356:  
YEAS—23.  
NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo,  
Diaz, Edwards, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle,  
Stewart, Swank, Thompson—19.  
Assembly Bill No. 356 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:33 p.m.

ASSEMBLY IN SESSION

At 8:40 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Silberkraus moved to reconsider the vote whereby Assembly Bill No. 320 was lost.
Motion failed.

Assemblyman Silberkraus requested a roll call vote.
Sustained by Assemblywomen Seaman and Woodbury.

YEAS—19.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 109.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman O’Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Vlach.
On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Young and Sylvester Rogers.
On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Melanie Bennett, Rebecca Bennett, and Wayne Bennett.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, April 24, 2015, at 11:30 a.m.
Motion carried.
Assembly adjourned at 8:44 p.m.