

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 18, 2007

Assembly called to order at 11:10 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Womack, who was excused.

Prayer by the Chaplain, Rabbi Jacob Benzaquen.

God and the God of our ancestors, we ask for Your blessings for our great republic and the great state of Nevada, for its government, legislature, leaders and for all who exercise just and rightful authority. We ask for this blessing based on your eternal promise in Genesis to our forefather, Abraham, “. . . I will bless those who bless you . . .”

Creator of all, bless the inhabitants of our country and state with Your light. Bring healing, understanding, and strength to all who turn to You, especially its leaders. May citizens of all races and creeds forge a common bond in true struggle, to banish hatred, dissension, and bigotry so that they may unite to safeguard the ideals and free institutions that are the pride and glory of our state and country. May we find shelter under your divine presence and shelter those needing protection, especially the 32 whose lives were tragically cut short. Grant peace and remember all the worthy and righteous deeds they performed in the land of the living.

From Psalm 23: “The Lord is my shepherd, I shall not want. He has me lie down in green pastures. He leads me beside the still waters. He guides me on paths of righteousness. He revives my soul. Though I walk in the Valley of the Shadow of Death, I fear no harm, for You are with me. Your staff and your rod do comfort me. Surely, goodness and mercy shall follow me all the days of our lives. We shall abide in the House of the Lord forever. May those who passed away rest in peace. And let us all say:

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera 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

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 145, 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Bills Nos. 322, 342, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 50, 138, 160, 298, 301, 326, 331, 348; Assembly Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 87, 230, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 596, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 259, 573 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Select Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 181, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 17, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 2.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bills Nos. 50, 87, 138, 145, 160, 181, 230, 259, 298, 301, 319, 322, 326, 331, 342, 348, 422, 447, 510, 573, 596; Assembly Joint Resolution No. 7 just reported out committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 323 just reported out of committee be placed at the top of General File.

Motion carried.

NOTICE OF EXEMPTION

April 18, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 144 and 584.

MARK STEVENS
Fiscal Analysis Division

Senate Joint Resolution No. 2.

Assemblyman Ocegüera moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 50.

Bill read second time.

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

Amendment No. 439.

SUMMARY—~~Eliminates~~ **Amends** the exceptions authorizing the release of the home address of a peace officer by a law enforcement agency in certain circumstances. (BDR 23-146)

AN ACT relating to peace officers; ~~eliminating~~ **amending** the exceptions that authorize the release of the home address of a peace officer by a law enforcement agency in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~eliminates the exceptions that currently authorize a law enforcement agency to~~ **authorizes the release of the home address of a peace officer to the public** ~~Those exceptions include authorization of the release by the officer and situations in which~~ **if the officer has been arrested ~~and~~ and the home address is included in a report of a 911 telephone call, a police report, a witness statement or certain reports relating to the custody of a child.** (NRS 289.025)

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

Section 1. NRS 289.025 is hereby amended to read as follows:

289.025 1. Except as otherwise provided in ~~subsection 2,~~ **subsections 2 and 3,** the home address and any photograph of a peace officer in the possession of a law enforcement agency are not public information and are confidential.

2. The ~~home address and~~ photograph of a peace officer may be released:

- (a) If the peace officer authorizes the release; or
- (b) If the peace officer has been arrested.

3. The home address of a peace officer may be released if a peace officer has been arrested and the home address is included in any of the following:

- (a) A report of a 911 telephone call.**
- (b) A police report, investigative report or complaint which a person filed with a law enforcement agency.**
- (c) A statement made by a witness.**
- (d) A report prepared pursuant to NRS 432B.540 by an agency which provides child welfare services, which report details a plan for the placement of a child.**

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 297.

SUMMARY ~~[Revises certain provisions governing persons who are required to report the abuse, neglect,~~ **Requires certain officers and employees of financial institutions to receive training concerning the exploitation ~~for isolation~~ of older persons and vulnerable persons ~~and~~ and to report the suspected or known exploitation of older persons or vulnerable persons.** (BDR ~~15~~ 55-157)

AN ACT relating to ~~crimes;~~ **financial institutions; requiring certain financial institutions to provide training to certain officers and employees concerning identifying the suspected exploitation of older persons and vulnerable persons;** requiring certain officers and employees ~~of financial institutions~~ **who receive such training** to report ~~the abuse, neglect,~~ **the suspected or known** exploitation ~~for isolation~~ of an older ~~person~~ or vulnerable person; providing **for civil penalties** ~~for failure to report~~; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1] Sections 4-13 of this bill expands the provisions of existing law that require certain persons to report the abuse, neglect, exploitation and isolation of "older persons" who are defined in existing law as persons who are 60 years of age or older, to~~ require certain **financial institutions to provide training to certain** officers and employees ~~of financial institutions to report such acts against older persons. (NRS 200.5092, 200.5093) A knowing and willful violation of these reporting requirements is a misdemeanor. (NRS 200.5093) Section 2 of this bill similarly amends the law with regard to such reporting for and vulnerable persons.]~~ **concerning the identification and reporting of the exploitation of older persons and vulnerable persons. "Older persons" are defined in existing law as persons who are 60 years of age or older. (NRS 200.5092) "Vulnerable persons" are defined in existing law as persons who are 18 years of age or older who: (1) suffer from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or (2) have one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living. (NRS 200.5092) [A knowing and willful violation of these reporting requirements is a misdemeanor. (NRS 200.5095)**

~~Existing law also imposes a penalty of a misdemeanor, under certain circumstances, for the willful release of data or information concerning records and investigations relating to reports made pursuant to NRS 200.5093, 200.50935 and 200.5094. (NRS 200.5095) Sections 1 and 2 of this bill expand this provision to impose such a penalty for the release of such information relating to reports of abuse, neglect, exploitation and isolation of older persons and vulnerable persons that are made by certain officers and employees of financial institutions.]~~ **Section 10 of this bill specifies which officers and employees must receive the training, when the training must be provided and the content of the training. Section 10 further requires those officers and employees to report incidents that reasonably appear to be exploitation of an older or vulnerable person. Section 11 of this bill requires each financial institution to designate a person to whom such reports must be made. The person so designated is then responsible for determining when a formal report must be reported to a law enforcement agency. Section 12 of this bill provides for a civil penalty**

when an employee, officer or designated reporter who has received training fails to report an incident.

Sections 15-23 of this bill add similar provisions to the chapter governing savings and loan associations. (Chapter 673 of NRS) Sections 25-33 of this bill add similar provisions to the chapter governing thrift companies. (Chapter 677 of NRS) Sections 35-43 of this bill add similar provisions to the chapter governing credit unions. (Chapter 678 of NRS)

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

Section 1. ~~NRS 200.5093 is hereby amended to read as follows:~~

~~200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:~~

~~(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:~~

~~(1) The local office of the Aging Services Division of the Department of Health and Human Services;~~

~~(2) A police department or sheriff's office;~~

~~(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or~~

~~(4) A toll free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and~~

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

~~2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.~~

~~3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and Human Services.~~

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

~~(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who~~

~~examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.~~

~~(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.~~

~~(c) A coroner.~~

~~(d) Every person who maintains or is employed by an agency to provide personal care services in the home.~~

~~(e) Every person who maintains or is employed by an agency to provide nursing in the home.~~

~~(f) Any employee of the Department of Health and Human Services.~~

~~(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.~~

~~(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.~~

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

~~(j) Every social worker.~~

~~(k) Any person who owns or is employed by a funeral home or mortuary.~~

~~(l) Except as otherwise provided in subsection 10, any officer or employee of a financial institution, as defined in NRS 657.160, who has direct contact with an older person or who reviews or approves the financial documents, records or transactions of an older person, in connection with providing financial services to the older person.~~

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

~~6. If a person who is required to make a report pursuant to subsection 4 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the Aging Services Division of the Department of Health and Human Services his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.~~

~~7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Health and Human Services, must be forwarded to the Aging Services Division within 90 days after the completion of the report.~~

~~8.— If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.~~

~~9.— A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.~~

~~10.— The provisions of paragraph (1) of subsection 4 do not apply to a teller in a financial institution, as defined in NRS 657.160, during the first 6 months of his employment if the teller has not received training or instructional materials concerning the duties imposed by this section, including, without limitation, identification and reporting of abuse, neglect, exploitation and isolation of older persons.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 200.50935 is hereby amended to read as follows:~~

~~200.50935—1.— Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:~~

~~(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and~~

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

~~2.— If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.~~

~~3.— A report must be made pursuant to subsection 1 by the following persons:~~

~~(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.~~

~~(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.~~

~~(c) A coroner.~~

~~(d) Every person who maintains or is employed by an agency to provide nursing in the home.~~

~~(e) Any employee of the Department of Health and Human Services.~~

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

~~(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.~~

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

~~(i) Every social worker.~~

~~(j) Any person who owns or is employed by a funeral home or mortuary.~~

~~(k) Except as otherwise provided in subsection 8, any officer or employee of a financial institution, as defined in NRS 657.160, who has direct contact with a vulnerable person or who reviews or approves the financial documents, records or transactions of a vulnerable person, in connection with providing financial services to the vulnerable person.~~

~~4. A report may be made by any other person.~~

~~5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.~~

~~6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.~~

~~7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.~~

~~8. The provisions of paragraph (k) of subsection 3 do not apply to a teller in a financial institution, as defined in NRS 657.160, during the first 6 months of his employment if the teller has not received training or instructional materials concerning the duties imposed by this section, including, without limitation, identification and reporting of abuse, neglect, exploitation and isolation of vulnerable persons. (Deleted by amendment.)~~

Sec. 3. Chapter 657 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 12, inclusive, of this act.

Sec. 4. As used in sections 4 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 9, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 5. "Designated reporter" means a person designated by a financial institution to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 11 of this act.

Sec. 6. "Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.

Sec. 7. "Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.

Sec. 8. "Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.

Sec. 9. "Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 10. 1. Each financial institution shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each officer and employee of the financial institution who:

(a) May, as part of his regular duties for the financial institution, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the officer or employee is employed by the financial institution.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. An officer or employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

Sec. 11. 1. Each financial institution shall designate a person or persons to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person.

2. If an officer or employee reports known or suspected exploitation of an older person or vulnerable person to a designated reporter and, based on such a report or based on his own observations or knowledge, the

designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, the designated reporter shall report the known or suspected exploitation in the same manner as a person required to make a report pursuant to NRS 200.5093 or 200.50935, as applicable. An officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 12. 1. If an employee or officer who has received the training required pursuant to section 10 of this act fails to report the suspected or known exploitation of an older person or vulnerable person to a designated reporter or if a designated reporter fails to make a report pursuant to section 11 of this act, the financial institution that employs the employee, officer or designated reporter is subject to a civil penalty in an amount:

(a) Not to exceed \$1,000, if the failure to report was not willful; or

(b) Not to exceed \$5,000, if the failure to report was willful.

2. A civil penalty pursuant to this section may be recovered only in a civil action brought in the name of the State of Nevada by the Attorney General or by a district attorney in a court of competent jurisdiction.

3. The provisions of this section do not limit or prohibit any other action and are in addition to any other remedy that may be available by law.

Sec. 13. NRS 657.150 is hereby amended to read as follows:

657.150 As used in NRS 657.150 to 657.210, inclusive, and sections 4 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 657.160 and 657.170 have the meanings ascribed to them in those sections.

Sec. 14. Chapter 673 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 23, inclusive, of this act.

Sec. 15. As used in sections 15 to 23, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 16 to 20, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 16. "Designated reporter" means a person designated by an association to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 22 of this act.

Sec. 17. "Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.

Sec. 18. "Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.

Sec. 19. "Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.

Sec. 20. "Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 21. 1. Each association shall provide training concerning the identification and reporting of the suspected exploitation of an older

person or vulnerable person to each director, officer and employee of the association who:

(a) May, as part of his regular duties for the association, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the director, officer or employee is employed by the association or assumes the position.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. A director, officer or employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

Sec. 22. 1. Each association shall designate a person or persons to whom a director, officer or employee of the association must report known or suspected exploitation of an older person or vulnerable person.

2. If a director, officer or employee reports known or suspected exploitation of an older person or vulnerable person to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, the designated reporter shall report the known or suspected exploitation in the same manner as a person required to make a report pursuant to NRS 200.5093 or 200.50935, as applicable. A director, officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 23. 1. If a director, officer or employee who has received the training required pursuant to section 21 of this act fails to report the suspected or known exploitation of an older person or vulnerable person to a designated reporter or if a designated reporter fails to make a report pursuant to section 22 of this act, the association for which the director,

officer or employee or designated reporter works is subject to a civil penalty in an amount:

(a) Not to exceed \$1,000, if the failure to report was not willful; or

(b) Not to exceed \$5,000, if the failure to report was willful.

2. A civil penalty pursuant to this section may be recovered only in a civil action brought in the name of the State of Nevada by the Attorney General or by a district attorney in a court of competent jurisdiction.

3. The provisions of this section do not limit or prohibit any other action and are in addition to any other remedy that may be available by law.

Sec. 24. Chapter 677 of NRS is hereby amended by adding thereto the provisions set forth as sections 25 to 33, inclusive, of this act.

Sec. 25. As used in sections 25 to 33, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 26 to 30, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 26. "Designated reporter" means a person designated by a licensee to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 32 of this act.

Sec. 27. "Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.

Sec. 28. "Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.

Sec. 29. "Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.

Sec. 30. "Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 31. 1. Each licensee shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each officer and employee of the licensee who:

(a) May, as part of his regular duties for the licensee, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the officer or employee is employed by the licensee.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. An officer or employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

Sec. 32. 1. Each licensee shall designate a person or persons to whom an officer or employee of the licensee must report known or suspected exploitation of an older person or vulnerable person.

2. If an officer or employee reports known or suspected exploitation of an older person or vulnerable person to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, the designated reporter shall report the known or suspected exploitation in the same manner as a person required to make a report pursuant to NRS 200.5093 or 200.50935, as applicable. An officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 33. 1. If an employee or officer who has received the training required pursuant to section 31 of this act fails to report the suspected or known exploitation of an older person or vulnerable person to a designated reporter or if a designated reporter fails to make a report pursuant to section 32 of this act, the licensee that employs the employee, officer or designated reporter is subject to a civil penalty in an amount:

(a) Not to exceed \$1,000, if the failure to report was not willful; or

(b) Not to exceed \$5,000, if the failure to report was willful.

2. A civil penalty pursuant to this section may be recovered only in a civil action brought in the name of the State of Nevada by the Attorney General or by a district attorney in a court of competent jurisdiction.

3. The provisions of this section do not limit or prohibit any other action and are in addition to any other remedy that may be available by law.

Sec. 34. Chapter 678 of NRS is hereby amended by adding thereto the provisions set forth as sections 35 to 43, inclusive, of this act.

Sec. 35. As used in sections 35 to 43, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 36 to 40, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 36. "Designated reporter" means a person designated by a credit union to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 42 of this act.

Sec. 37. "Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.

Sec. 38. "Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.

Sec. 39. "Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.

Sec. 40. "Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 41. 1. Each credit union shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each loan officer and employee of the credit union who:

(a) May, as part of his regular duties for the credit union, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the loan officer or employee is employed by the credit union.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. A loan officer or employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

Sec. 42. 1. Each credit union shall designate a person or persons to whom a loan officer or employee of the credit union must report known or suspected exploitation of an older person or vulnerable person.

2. If a loan officer or employee reports known or suspected exploitation of an older person or vulnerable person to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, the designated reporter shall report the known or suspected exploitation in the same manner as a person required to make a report pursuant to NRS 200.5093 or 200.50935,

as applicable. A loan officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 43. 1. If a loan officer or employee who has received the training required pursuant to section 41 of this act fails to report the suspected or known exploitation of an older person or vulnerable person to a designated reporter or if a designated reporter fails to make a report pursuant to section 42 of this act, the credit union that employs the loan officer, employee or designated reporter shall be subject to a civil penalty in an amount:

(a) Not to exceed \$1,000, if the failure to report was not willful; or

(b) Not to exceed \$5,000, if the failure to report was willful.

2. A civil penalty pursuant to this section may be recovered only in a civil action brought in the name of the State of Nevada by the Attorney General or by a district attorney in a court of competent jurisdiction.

3. The provisions of this section do not limit or prohibit any other action and are in addition to any other remedy that may be available by law.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 138.

Bill read second time.

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

Amendment No. 278.

AN ACT relating to impact fees; expanding the purposes for which certain impact fees may be used; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a local government may impose an impact fee to pay for the cost of constructing or expanding the capacity of a capital improvement, including a fire station project or police station project that is necessitated by and attributable to new development. (NRS 278B.045, 278B.087, 278B.160) This bill expands the purposes for which an impact fee may be imposed for a fire station project or police station project to include facilities designed for a use related to the administration of a fire department or a police department, as applicable.

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

Section 1. NRS 278B.045 is hereby amended to read as follows:

278B.045 *I.* "Fire station project" means ~~the~~ ~~the~~

~~(a) A facility or portion of a facility that is designed for:~~

~~(1) Use as~~ **one or more of the following portions of** a fire station or a fire substation ~~[- The term does not include:~~

~~1. A facility or portion of a facility that is designed for a] [-;~~

~~(2) A use related to the administration of a fire department ; or] [any other use not directly related to fire fighting; or~~

~~2. Any]~~

~~{(3) A use related to the support of services for the prevention or suppression of fire; and~~

~~(b) All appurtenances and incidentals necessary for a facility or portion of a facility described in paragraph (a).]:~~

(a) Office space used for the administration of the fire station or fire substation.

(b) Storage areas.

(c) Kitchen facilities.

(d) Dormitories and locker rooms.

(e) Restroom facilities.

(f) Training or exercise facilities.

(g) Briefing or conference facilities.

(h) Facilities and such appurtenances necessary for housing and maintaining vehicles and equipment used for fire fighting or to provide emergency medical services.

(i) A facility or portion of a facility that is required in order to comply with standards for occupational safety and health.

(j) Parking areas for employees and the public.

(k) Landscaping.

(l) Utilities.

~~2. The term does not include [any equipment, including, without limitation, vehicles, used] [for] [-;~~

~~(a) For fire fighting] [-] [-;~~

~~(b) To provide administrative services; or~~

~~(c) To provide other services related to the prevention or suppression of fire.]:~~

(a) A facility or portion of a facility that is used to replace services for the prevention or suppression of fire that were once provided elsewhere in the city or county.

(b) Vehicles and equipment used for fire fighting or to provide emergency medical services.

(c) A facility that is used for training firefighters from more than one fire station or fire substation.

Sec. 2. NRS 278B.087 is hereby amended to read as follows:

278B.087 **I.** "Police station project" means ~~[a] [-;~~

~~(a) A facility or portion of a facility that is designed for :~~

~~(1) Use as~~ **one or more of the following portions of** a police station or a police substation ~~[- The term does not include:~~

~~1. A facility or portion of a facility that is designed for a] [-; or~~

(2) ~~A use related to the~~ ;

~~(a) Office space used for the~~ administration of ~~the police department~~ [or any other use not directly related to the provision of police services, including, without limitation, the training of police officers; or

~~2. Any~~ [; and

~~(b) All appurtenances and incidentals necessary for a facility or portion of a facility described in paragraph (a).~~ **the police station or police substation.**

(b) Storage areas.

(c) Locker rooms.

(d) Restroom facilities.

(e) Training or exercise facilities.

(f) Briefing or conference facilities.

(g) Parking areas for employees and the public.

(h) Landscaping.

(i) Utilities.

~~2. The term does not include~~ ~~any equipment, including, without limitation, vehicles, used~~ [to] [;

~~(a) To provide police services~~ [; or

~~(b) To provide administrative services.~~];

(a) A facility or portion of a facility that is used to replace police services that were once provided elsewhere in the city or county.

(b) Vehicles and equipment used to provide police or administrative services.

(c) A facility that is used for training police officers from more than one police station.

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

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 145.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 441.

SUMMARY—~~Requiring certain services to be covered by policies of~~ **Revises provisions governing the assignment of benefits for health insurance . [and health care plans.]** (BDR 57-1068)

AN ACT relating to health insurance; ~~requiring that a policy of health insurance or a health care plan provide coverage for services provided by certain providers of specialized health care;~~ **revising provisions governing the assignment of benefits;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law allows health insurers to require that insured persons obtain prior authorization from the insurer for health care that the insurer may be required to pay for. (NRS 687B.225) Sections 2-6 of this bill require health insurance policies or health care plans to allow a person covered by the policy to have covered access to specialized, in-state health care provided that the cost of the in-state care is not more than the cost of identical, out-of-state care.]~~ **This bill prohibits an insurer or other entity that is obligated to pay benefits for services provided to a person by a hospital or other provider of health care to make such payments directly to the person if the insurer or other entity has notice that the person has assigned the benefits to the hospital or other provider of health care.**

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

Delete existing sections 1 through 6 of this bill and replace with the following new section 1:

Section 1. Chapter 679A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any specific statute to the contrary, an insurer or other entity that is obligated to pay benefits for services provided to a person by a hospital or other provider of health care, or to reimburse a person for the costs of such services, shall not make the payment directly to the person if an itemized statement for the services is submitted to the insurer or other entity which clearly indicates that the right of the person to those benefits has been assigned to the hospital or other provider of health care.

2. If an insurer or other entity that has notice of such an assignment makes payment directly to the person in violation of subsection 1, the payment:

(a) Does not release the insurer or other entity from liability to pay the hospital or other provider of health care to which the benefits have been assigned; and

(b) Is not a defense to any action by the hospital or other provider of health care against the insurer or other entity to collect the assigned benefits.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 160.

Bill read second time.

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

Amendment No. 240.

AN ACT relating to cities; revising the membership of certain city annexation commissions; revoking the authority for the duties of a city annexation commission to be transferred to the regional planning commission in certain counties; providing, in certain counties, that **certain** persons who own property in the unincorporated area ~~within a certain distance~~ outside the boundaries of territory proposed to be annexed must be given notice of and may protest the proposed annexation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in a county whose population is less than 400,000 (currently counties other than Clark County), if the governing body of a city wishes to conduct a nonvoluntary annexation, the governing body must give notice of its intent to annex to each owner of real property in the territory proposed to be annexed. (NRS 268.654) The owners of real property in the territory proposed to be annexed may protest the annexation and, with certain exceptions, the annexation is required to be denied if it is protested by a majority in number of those owners or a number of those owners collectively owning greater than 50 percent of the total value of the real property. (NRS 268.656, 268.660) Sections 5-7 of this bill extend the right of notice and the right to protest such an annexation to : **(1) the owners of real property in the unincorporated area that is within ~~one-half mile~~ 750 feet outside the boundaries of the territory proposed to be annexed** ; **and (2) the owners of each of the 30 separately owned parcels in the unincorporated area outside the boundaries of the territory proposed to be annexed, which parcels are nearest the territory proposed to be annexed, to the extent that such owners are not already given rights of notice and protest by virtue of being within 750 feet of the boundaries of the territory proposed to be annexed.**

Under existing law, in a county whose population is less than 400,000 (currently counties other than Clark County), the governing body of a city may conduct a voluntary annexation with respect to contiguous territory owned in fee by the city, or other contiguous territory if 100 percent of the owners of record of the real property within the territory petition the governing body to annex that territory. (NRS 268.670) Section 9 of this bill provides that, **in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County)**, before a governing body conducts such a voluntary annexation ~~with respect to territory that is not within the city's sphere of influence~~, it must give notice to : **(1) the board of county commissioners ~~and to~~** ; **(2) each owner of real property in the unincorporated area that is within ~~1 mile~~ 750 feet outside the boundaries of the territory proposed to be annexed** ; **and (3) the owners of each of the 30 separately owned parcels in the unincorporated area outside the boundaries of the territory proposed to be annexed, which parcels are nearest the territory proposed to be annexed, to the extent that such owners are not already given notice by virtue of being within**

750 feet of the boundaries of the territory proposed to be annexed.

Pursuant to section 9, such an owner of real property or the board of county commissioners may file with the governing body a written protest to the voluntary annexation, in which case the governing body, if it wishes to continue pursuing the annexation, must use the procedures for a nonvoluntary annexation set forth in NRS 268.610 to 268.668, inclusive.

Under existing law, in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County), a city annexation commission is created and if the number of members of the commission representing the county and each city in the county would produce an even number of members, the Governor is required to appoint the chairman of the regional planning commission to the city annexation commission. (NRS 268.626) The governing bodies of the county and each city in the county may execute an interlocal agreement to transfer the duties of the city annexation commission to the regional planning commission. (NRS 268.626)

Sections 1-4 of this bill revoke the authority to transfer the duties of the city annexation commission to the regional planning commission and alter the membership of the city annexation commission to exclude the chairman of the regional planning commission and to instead include a member who represents the general public. (NRS 268.616, 268.620, 268.626, 268.628)

Section 11 of this bill provides that if proceedings to annex territory have been commenced but not concluded as of October 1, 2007, in a county whose population is less than 400,000 (currently counties other than Clark County), such proceedings must be terminated and, if the party who initiated such proceedings wishes to continue pursuing the annexation, that party must recommence proceedings for the annexation in accordance with the amendatory provisions of this bill.

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

Section 1. NRS 268.616 is hereby amended to read as follows:

268.616 "Commission" means a city annexation commission or, for the purposes of NRS 268.630 to 268.670, inclusive, in counties where no city annexation commission exists, the board of county commissioners, or in Carson City, the board of supervisors . ~~[or, in a county which has entered an interlocal agreement pursuant to subsection 2 of NRS 268.626, the regional planning commission.]~~

Sec. 2. NRS 268.620 is hereby amended to read as follows:

268.620 "Executive officer" means:

1. With respect to a city annexation commission, the county manager or like administrative officer of the county.

2. ~~[With respect to a city annexation commission in a county that has executed an interlocal agreement pursuant to subsection 2 of NRS 268.626, the director of regional planning.]~~

~~3.]~~ With respect to a board of county commissioners, the county manager or like administrative officer of the county, or the clerk of such board.

Sec. 3. NRS 268.626 is hereby amended to read as follows:

268.626 ~~1.]~~ There is hereby created, in each county of the State whose population is 100,000 or more ~~and~~ **but** less than 400,000, a city annexation commission which consists of members to be selected as follows:

~~(a)]~~ **1.** Two members representing the county, one of whom must be the chairman of the board of county commissioners and the other a member of the board to be chosen by the board.

~~(b)]~~ **2.** One member representing each city, who must be a member of the governing body to be chosen by the governing body.

~~(c) If the provisions of paragraphs (a) and (b) result in an even number of members, the Governor shall appoint an additional member who is the chairman of the regional planning commission.~~

~~2. The governing bodies of a county and each incorporated city in the county may execute an interlocal agreement to transfer the duties of the city annexation commission to the regional planning commission.]~~

3. One member representing the general public who must be appointed by the chairman of the regional planning commission.

Sec. 4. NRS 268.628 is hereby amended to read as follows:

268.628 **1.** The first members must be chosen by the respective bodies during the month of May 1967, and serve until the selection and qualification of their successors. Thereafter, members of the commission must be chosen by the respective bodies during the month of January of each odd-numbered year, and serve until the selection and qualification of their successors.

2. Any member who ceases to be a member of the body from which he was chosen ceases to be a member of the commission. Any vacancy must be filled by the body which made the original choice, for the unexpired term.

~~3. [The chairman of the regional planning commission shall serve as chairman of the commission.]~~ The members of the commission shall elect a **chairman and a** vice chairman, who presides in the absence of the chairman.

4. Commission members shall serve without compensation but must be reimbursed the actual amounts of their reasonable and necessary expenses incurred in attending meetings and in performing the duties of their office.

Sec. 5. NRS 268.654 is hereby amended to read as follows:

268.654 **1.** Upon receipt of a notice of approval from the commission, the clerk of the governing body shall cause a copy of the petition or resolution of intent to annex, and of any modifications or conditions imposed by the commission, to be published in a newspaper of general circulation in the territory proposed to be annexed, or, if there is none, in a newspaper of general circulation published in the county. If no such newspapers are published, a copy of the petition or resolution ~~shall~~ **must** be posted at the front door of the city hall or county courthouse and in at least two conspicuous places in the territory proposed to be annexed, for not less than

20 days before the next regular meeting of the governing body and before there is a vote by the governing body upon the question of annexation.

2. Publication of the petition or resolution pursuant to this section ~~{shall}~~ **must** be for at least 20 days. Three publications in a newspaper published once a week or oftener are sufficient, but the first and last publications ~~{shall}~~ **must** be at least 6 days apart. The period of notice commences upon the first day of publication and terminates either upon the day of the third publication or at the end of the 20th day, including therein the first day, whichever period is longer. At the time the first publication is made, the clerk of the governing body shall send a copy of such petition or resolution by ~~{certified mail, return receipt requested,}~~ **first-class mail** to ~~{each}~~ :

(a) **Each** owner of real property in the territory proposed to be annexed ~~{-~~ **3. Included with the} ; ~~{and}~~**

(b) **Each owner of real property in the unincorporated area that is within ~~{one-half mile}~~ 750 feet outside the boundaries of the territory proposed to be annexed ~~{,}~~ ; and**

(c) **The owner of each of the 30 separately owned parcels in the unincorporated area outside the boundaries of the territory proposed to be annexed, which parcels are nearest the territory proposed to be annexed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b).**

3. The petition or resolution in the notice as published or posted and mailed ~~{shall}~~ **must** be **accompanied** by a list of ~~{all}~~ :

(a) **All** property owners of record in the territory proposed to be annexed ~~{,}~~ ; **and**

(b) **All property owners of record ~~{in the unincorporated area that is within one-half mile outside the boundaries of the territory proposed to be annexed,}~~ who are required to be given notice pursuant to paragraph (b) or (c) of subsection 2.**

Sec. 6. NRS 268.656 is hereby amended to read as follows:

268.656 1. Any owner of real property ~~{in}~~ :

(a) **In** the territory proposed to be annexed ; ~~{or}~~

(b) **In the unincorporated area that is within ~~{one-half mile}~~ 750 feet outside the boundaries of the territory proposed to be annexed ~~{,}~~ ; or**

(c) **Who owns one of the 30 separately owned parcels in the unincorporated area outside the boundaries of the territory proposed to be annexed, which parcels are nearest the territory proposed to be annexed, to the extent that such an owner of real property is not already described in paragraph (b).**

↪ may file a written protest to such annexation during the 20-day notice period and may appear and be heard prior to any vote of the governing body on the annexation.

2. Such protest may relate to ~~{a part only of such}~~ **the territory proposed to be annexed or to the unincorporated area ~~{that is within one-half mile outside the boundaries of the territory proposed to be annexed,}~~ in which**

owners of real property are required to be given notice pursuant to paragraph (b) or (c) of subsection 2 of NRS 268.654, and when so relating ~~[shall]~~ **must** be granted for any good cause shown, including , without limitation , the inability of the annexing city to provide appropriate governmental services within a reasonable time to ~~[such part.]~~ **the territory proposed to be annexed.**

Sec. 7. NRS 268.660 is hereby amended to read as follows:

268.660 1. Except as **otherwise** provided in subsection 2, the annexation must be denied if protests are made, either in writing as provided in NRS 268.656 or at the public hearing, by:

(a) A majority in number of the **owners of** real property ~~{owners of:}~~ :

(1) **In** the territory proposed to be annexed; or

(2) **In the unincorporated area** ~~{that is within one half mile outside the boundaries of the territory proposed to be annexed;}~~ **in which owners of real property are required to be given notice pursuant to paragraph (b) or (c) of subsection 2 of NRS 268.654; or**

(b) The owners of real property whose combined value is greater than 50 percent of the total value of real property ~~{in}~~ :

(1) **In** the territory proposed to be annexed, as determined by assessment for taxation ~~{;}~~ ; **or**

(2) **In the unincorporated area** ~~{that is within one half mile outside the boundaries of the territory proposed to be annexed, as determined by assessment for taxation.}~~ **in which owners of real property are required to be given notice pursuant to paragraph (b) or (c) of subsection 2 of NRS 268.654.**

2. Annexation of territory to a city may be approved over any protest if:

(a) The territory proposed to be annexed is entirely surrounded by such city and:

(1) Does not exceed 40 acres in area; or

(2) Is subdivided for residential, commercial or industrial purposes;

(b) Provision of municipal services, including , without limitation , water, sewerage, police protection and fire protection, to the territory proposed to be annexed is necessary to the public health, safety, convenience or welfare; and

(c) The city to which annexation is proposed is or within a reasonable time will be able to supply the municipal services so required.

3. In a county that is subject to the provisions of NRS 278.026 to 278.029, inclusive, if an annexation is denied because of:

(a) A protest made pursuant to subsection 1, the regional planning commission shall review the program of annexation and the comprehensive regional plan and shall:

(1) Place the territory removed from the program of annexation in a category in the comprehensive regional plan that is not scheduled to receive public facilities or public services for the duration of the annexation program;

(2) Place the territory removed from the program of annexation, with the consent of the governing body of the county and the governing body of

the affected city, in a category in the comprehensive regional plan that is scheduled to receive public facilities and public services from the county; or

(3) Retain the territory within the program of annexation. This subparagraph does not preclude a subsequent proceeding with respect to all or part of that territory if the proceeding is commenced more than 1 year after the public hearing.

(b) A failure of the city to put into effect the program of annexation, the regional planning commission may direct that the territory be placed in a category in the comprehensive regional plan that allows the county to provide services to the territory.

4. A public body may exclude its own lands from annexation if they are held for purposes other than highways.

Sec. 8. NRS 268.662 is hereby amended to read as follows:

268.662 1. Whenever it is necessary for the purposes of NRS 268.610 to 268.670, inclusive, to determine ~~the~~:

(a) The number or identity of the owners of real property in a territory proposed to be annexed ~~[]~~ or in an unincorporated area that is within a certain distance outside the boundaries of the territory proposed to be annexed ~~[]~~; or

(b) The identity of the owners of a certain number of parcels of real property in an unincorporated area, which parcels are nearest the boundaries of the territory proposed to be annexed.

↪ a list of such owners, certified by the county assessor on any date between the initiation as provided in NRS 268.636 and the hearing as provided in NRS 268.658, both dates inclusive, ~~[shall be]~~ is prima facie evidence that only those persons named thereon are such owners.

2. A petition or protest is sufficient for the purposes of NRS 268.610 to 268.670, inclusive, as to any parcel of real property:

(a) Which is owned by more than one natural person, if it is signed by a majority of the owners.

(b) Which is owned by an artificial person, if it is signed by any authorized agent.

Sec. 9. NRS 268.670 is hereby amended to read as follows:

268.670 1. ~~[As]~~ **Except as otherwise provided in ~~[subsection] subsections 2, 3 and 4,~~** as an alternative to the procedures for initiation of annexation proceedings set forth in NRS 268.610 to 268.668, inclusive, the governing body of a city may, subject to the provisions of NRS 268.663 and after notifying the board of county commissioners of the county in which the city lies ~~[providing notice]~~ of its intention ~~as required pursuant to subsection 2,~~ annex:

(a) Contiguous territory owned in fee by the city.

(b) Other contiguous territory if 100 percent of the owners of record of individual lots or parcels of land within such ~~[area]~~ **territory** sign a petition requesting the governing body to annex such ~~[area]~~ **territory** to the city. ~~[[~~ **Except as otherwise provided in ~~[subsection] subsections 2, 3 and 4,~~** if such

petition is received and accepted by the governing body, the governing body may proceed to adopt an ordinance annexing such ~~area~~ territory and to take such other action as is necessary and appropriate to accomplish such annexation.

2. ~~At~~ **In a county whose population is 100,000 or more but less than 400,000, at least 30 days before the governing body of a city annexes territory pursuant to subsection 1, that is not within the city's sphere of influence, the governing body shall provide notice of its intention to annex that territory. Such notice must be provided in writing and sent by certified mail, return receipt requested, first-class mail to:**

(a) **The board of county commissioners of the county in which the city is located; and**

(b) **Each owner of real property in the unincorporated area that is within ~~1 mile~~ 750 feet outside the boundaries of the territory proposed to be annexed; and**

(c) **The owner of each of the 30 separately owned parcels in the unincorporated area outside the boundaries of the territory proposed to be annexed, which parcels are nearest the territory proposed to be annexed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b).**

3. **Within 30 days after the mailing of the notice pursuant to subsection 2, the board of county commissioners or an owner of real property in the unincorporated area ~~that is within 1 mile outside the boundaries of the territory proposed to be annexed~~ in which owners of real property are required to be given notice pursuant to paragraph (b) or (c) of subsection 2 may file with the governing body a written protest to the proposed annexation.**

4. **If the governing body of a city receives a written protest pursuant to subsection 3, the governing body shall, if it wishes to continue pursuing the annexation, follow the procedures for initiation of annexation proceedings set forth in NRS 268.610 to 268.668, inclusive.**

5. For the purposes of this section, "contiguous" means either abutting directly on the boundary of the annexing municipality or separated from the boundary thereof by a street, alley, public right-of-way, creek, river or the right-of-way of a railroad or other public service corporation, or by lands owned by the annexing municipality, by some other political subdivision of the State or by the State of Nevada.

Sec. 10. In a county whose population is 100,000 or more but less than 400,000:

1. If the governing bodies of the county and each incorporated city in the county have executed an interlocal agreement pursuant to subsection 2 of NRS 268.626, as that subsection existed before October 1, 2007:

(a) The interlocal agreement becomes void on October 1, 2007; and

(b) As soon as practicable after October 1, 2007, the members of the city annexation commission must be selected in the manner prescribed in NRS

268.626, as amended by this act. The members so selected serve until the selection and qualification of their successors in January 2009 pursuant to subsection 1 of NRS 268.628.

2. If the governing bodies of the county and each incorporated city in the county have not executed an interlocal agreement pursuant to subsection 2 of NRS 268.626, as that subsection existed before October 1, 2007, the chairman of the regional planning commission shall, as soon as practicable after October 1, 2007, appoint to the city annexation commission a member representing the general public as described in subsection 3 of NRS 268.626, as amended by this act. The member so selected serves until the selection and qualification of his successor in January 2009 pursuant to subsection 1 of NRS 268.628.

Sec. 11. 1. If any proceedings to annex territory to a city pursuant to NRS 268.610 to 268.670, inclusive, have been commenced but not concluded as of October 1, 2007, such proceedings must be terminated and, if the party who initiated the proceedings wishes to continue pursuing the annexation, recommenced pursuant to NRS 268.610 to 268.670, inclusive, as amended by this act.

2. If proceedings to annex territory to a city must be recommenced as described in subsection 1 and if such proceedings were being considered by a regional planning commission pursuant to an interlocal agreement entered into under subsection 2 of NRS 268.626, as that subsection existed before October 1, 2007, the proceedings must be transferred to the city annexation commission for consideration by that entity.

Sec. 12. ~~[The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.] (Deleted by amendment.)~~

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 181.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 126.

AN ACT relating to motor vehicles; revising provisions concerning the survey of labor rates charged by body shops; requiring the Department of **Motor Vehicles** to allow on-line verification of a license of a body shop; requiring an operator of a body shop to complete the survey as a condition for renewal of his license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2 and 8 of this bill transfer the duty to conduct an annual survey of rates charged by licensed body shops from the Commissioner of Insurance

to the Department of Motor Vehicles. (NRS 690B.015) Section 2 further requires the Department to conduct the survey by providing an on-line form which must be completed and submitted electronically by the operator of each licensed body shop and made available to the public on the Department's website ~~within 48 hours~~ **not more than 30 days** after the ~~completion of the survey~~ **renewal of the body shop's license**. Section 3 of this bill requires the Department to compile the results of each survey in a report which must be ~~updated daily and~~ made available to the public on-line. Section 4 of this bill requires the Department to provide a method by which a person may verify the license of a body shop on-line. Sections 6 and 7 of this bill require an operator of a body shop to complete the survey as a condition for the renewal of his license. (NRS 487.630)

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

Section 1. Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. **1. A body shop licensed in this State must complete an on-line survey within ~~90~~ 60 days immediately preceding the date of the submission of the application for renewal of the license of the body shop.**

2. The Department shall conduct the survey by providing a form on its website or other Internet site to be completed by each body shop and submitted electronically to the Department.

3. Each survey must include, without limitation:

- (a) The name and address of the body shop;**
- (b) The labor rate charged by the body shop; and**
- (c) Any other information the Department deems necessary.**

4. The information obtained from each survey must be available to the public on-line ~~within 48 hours~~ not more than 30 days after the ~~completion of the survey by~~ renewal of the body ~~shop~~ shop's license.

Sec. 3. **1. The Department must compile the results of each survey completed pursuant to section 2 of this act in a report which must be ~~updated daily and~~ made available to the public on-line. The report must include, without limitation:**

- (a) The names and addresses of all body shops that complete the survey;**
- (b) The prevailing labor rate for body shops in a specific geographic area as established by the Department; and**
- (c) Any other information the Department deems necessary.**

2. As used in this section, "prevailing labor rate" means the ~~most commonly occurring labor rate charged by body shops~~ average labor rate reported in the survey in a specific geographic area.

Sec. 4. **The Department shall provide a method on its website or other Internet site by which a person may verify the license of a body shop.**

Sec. 5. NRS 487.600 is hereby amended to read as follows:

487.600 As used in NRS ~~[487.610]~~ **487.600** to 487.690, inclusive, *and sections 2, 3 and 4 of this act*, “body shop” means any place where the body of a motor vehicle is painted, fixed, repaired or replaced for compensation.

Sec. 6. NRS 487.630 is hereby amended to read as follows:

487.630 1. An application for a license to operate a body shop must be filed with the Department upon forms supplied by the Department. The application must include the social security number of the applicant and *must* be accompanied by such proof as the Department requires to demonstrate that the applicant meets the statutory requirements to operate a body shop.

2. The Department shall charge a fee of \$300 for the issuance or renewal of a license to operate a body shop. Fees collected by the Department pursuant to this subsection must be deposited with the State Treasurer to the credit of the Account for Regulation of Salvage Pools, Automobile Wreckers, Body Shops and Garages.

3. Upon receipt of the application and the statement required pursuant to NRS 487.003 and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license to operate a body shop. The license must contain the name and the address of the body shop and the name of the operator.

4. Upon receipt of the license, the operator shall post the license in a conspicuous place clearly visible to the general public in the body shop and include the license number on all estimates and invoices for repairs.

5. A license expires on April 30 of each year.

6. A licensee may renew his license by submitting to the Department:

(a) A completed application for renewal upon a form supplied by the Department;

(b) The statement required pursuant to NRS 487.003; ~~[and]~~

(c) *Evidence satisfactory to the Department that the licensee has completed and electronically submitted, within ~~[90]~~ 60 days immediately preceding the date of the submission of the application for renewal of a license, the survey required pursuant to section 2 of this act; and*

(d) The fee for renewal of a license provided in subsection 2.

Sec. 7. NRS 487.630 is hereby amended to read as follows:

487.630 1. An application for a license to operate a body shop must be filed with the Department upon forms supplied by the Department. The application must be accompanied by such proof as the Department requires to demonstrate that the applicant meets the statutory requirements to operate a body shop.

2. The Department shall charge a fee of \$300 for the issuance or renewal of a license to operate a body shop. Fees collected by the Department pursuant to this subsection must be deposited with the State Treasurer to the credit of the Account for Regulation of Salvage Pools, Automobile Wreckers, Body Shops and Garages.

3. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license to

operate a body shop. The license must contain the name and the address of the body shop and the name of the operator.

4. Upon receipt of the license, the operator shall post the license in a conspicuous place clearly visible to the general public in the body shop and include the license number on all estimates and invoices for repairs.

5. A license expires on April 30 of each year.

6. A licensee may renew his license by submitting to the Department:

(a) A completed application for renewal upon a form supplied by the Department; ~~and~~

(b) *Evidence satisfactory to the Department that the licensee has completed and electronically submitted, within ~~90~~ 60 days immediately preceding the date of the submission of the application for renewal of a license, the survey required pursuant to section 2 of this act; and*

(c) The fee for renewal of a license provided in subsection 2.

Sec. 8. NRS 690B.015 is hereby repealed.

Sec. 9. 1. This section and sections 1 to 6, inclusive, and 8 of this act become effective on July 1, 2007.

2. Section 6 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has the authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
 ↪ are repealed by the Congress of the United States.

3. Section 7 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has the authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
 ↪ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

690B.015 Commissioner to conduct survey of operators of body shops; information to be compiled in report.

1. The Commissioner shall annually conduct a survey of licensed operators of body shops in this State to determine:

(a) The rates charged by such operators for painting and other repairs; and

(b) The difference, if any, between the amount paid by the operators for new and used parts acquired for repairs and the amount charged to customers for those parts.

2. The information obtained by the survey must be compiled in a written report, which must set forth information relating to:

- (a) Each county separately whose population is 50,000 or more; and
- (b) The remaining counties of the State.

→ The report is a public record for the purposes of NRS 239.010.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 230.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 552.

AN ACT relating to justice courts; expanding the jurisdiction of justice courts in criminal cases in which an arrest was made by a field agent or an inspector of the State Department of Agriculture; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in criminal cases, the jurisdiction of justice courts extends to the limits of their respective counties with two exceptions. (NRS 4.370) First, each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established. Second, in the case of an arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justice courts extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties. This bill similarly expands the jurisdiction of justice courts by providing that in the case of an arrest made by a field agent or an inspector of the State Department of Agriculture, the jurisdiction of the justice courts extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties. **This bill also provides that if a person is arrested by a field agent or inspector of the State Department of Agriculture in the county in which the person resides, the justice of the peace of that county has sole jurisdiction of the matter.**

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

Section 1. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$10,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed \$10,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding \$10,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$10,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$10,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$10,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$10,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$10,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$10,000.

(l) In actions for a fine imposed for a violation of NRS 484.757.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is more than 100,000 and less than 400,000;

(2) In any township whose population is 100,000 or more located within a county whose population is more than 400,000; or

(3) If a party to the action is a party in another action pending in the district court in which such an order may be granted by the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In actions transferred from the district court pursuant to NRS 3.221.

(s) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250.

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol ~~or a person designated by the Director of the State Department of Agriculture as a field agent or an inspector pursuant to subsection 2 of NRS 561.225,~~ the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. *In the case of any arrest made by a person designated by the Director of the State Department of Agriculture as a field agent or an inspector pursuant to subsection 2 of NRS 561.225, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties, except that if a person is arrested in a county in which he resides, the justice of the peace of such county has sole jurisdiction of the matter.*

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 346.

AN ACT relating to wildlife; ~~classifying a wild mountain lion as an unprotected mammal; designating the Department of Wildlife as the Department of Fish and Game; placing the Department under the control of the Board of Wildlife Commissioners; authorizing the Commission to adopt regulations for the hunting, killing or nonlethal control of mountain lions from an aircraft; revising certain provisions relating to the use of a spring gun, set gun or other device for the destruction of a mountain lion;~~ **requiring the Department of Wildlife to submit a financial report to the Legislature relating to certain accounts and subaccounts administered by the Department;** making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Wildlife. The Department is required to administer the laws of this State relating to wildlife and the provisions of chapter 488 of NRS relating to watercraft and the use of watercraft. (NRS 501.331) ~~Sections 9 and 27 of this bill designate the Department of Wildlife as the Department of Fish and Game. Section 27 also places the newly designated Department of Fish and Game under the control of the Board of Wildlife Commissioners.~~

Existing law requires the Board of Wildlife Commissioners to classify by regulation each species of wildlife within this State as a wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean. Each species of wildlife so classified must be further classified as protected or unprotected. Any wildlife that is classified as protected may be designated as sensitive, threatened or endangered. If it is in the public interest to do so, and upon reasonable public notice and hearing, the Commission may place a species of wildlife within another classification. (NRS 501.110) ~~Section 25 of this bill specifically classifies a wild mountain lion as an unprotected mammal.~~

Existing law prohibits a person from intentionally killing or aiding and abetting another person in killing a mountain lion unless the person has a valid tag to hunt the mountain lion and the person hunts the mountain lion in the manner prescribed on the tag. (NRS 501.376) ~~Section 28 of this bill eliminates the prohibition against hunting a mountain lion without a valid tag and in the manner specified on the tag.~~

Existing law requires a person who wishes to apply for a restricted nonresident deer tag to complete an application and submit a fee for the tag in the amount of \$300. All such fees collected by the Department must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. (NRS 502.148) ~~Section 31 of this bill increases the fee for a restricted nonresident deer tag from \$300 to \$303. Section 31 also~~

~~requires the Department to account separately for an amount of money that is equal to \$3 of each fee collected and to use that money only for the control of predatory animals or birds.~~

~~In addition to the fee for a restricted nonresident deer tag, existing law imposes fees in various amounts for the issuance of resident and nonresident tags to hunt deer, antelope, elk, bighorn sheep, mountain goat and mountain lion. (NRS 502.250) Existing law further requires the fees so collected to be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. (NRS 501.356) Section 32 of this bill increases each of those fees by \$3 and requires the Department to account separately for an amount of money that is equal to \$3 of each of those fees and to use that money only for the control of predatory animals or birds. Because section 25 of this bill classifies a wild mountain lion as an unprotected mammal for which a tag is not required to hunt, section 32 also eliminates the fees for issuing a resident or nonresident mountain lion tag.~~

~~Existing law prohibits a person from killing or attempting to kill any birds or animals from an aircraft unless the person is hunting a coyote, bobcat or raven from the aircraft and the person has a permit authorizing him to hunt the coyote, bobcat or raven issued pursuant to a regulation adopted by the Commission. (NRS 503.005) Existing law further prohibits a person from hunting a big game mammal, except a mountain lion, with any breed of dog. (NRS 503.150) Section 33 of this bill authorizes the Commission to adopt a regulation authorizing the issuance of a permit to hunt, kill or engage in the nonlethal control of a mountain lion from an aircraft. Section 34 of this bill eliminates the exception for mountain lions to be hunted with any breed of dog.]~~

Section 26 of this bill requires the Department to submit to the Legislature, on or before the fifth calendar day of each regular session, a financial report setting forth the activity and status of the Wildlife Obligated Reserve Account and any other account or subaccount administered by the Department for which the use of the money in the account or subaccount is restricted. The report must include, without limitation, a description of each project for which money is spent and a description of each recipient of that money.

Section 36 of this bill appropriates \$200,000 from the State General Fund to the Department ~~{of Fish and Game}~~ to be used only for ~~{managing}~~ **the preservation of mule deer and the management** of predatory animals or birds.

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

Section 1. ~~{Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 501.003 is hereby amended to read as follows:~~

~~501.003 [As used in this title, “alternative] “*Alternative* livestock” means the following species, including subspecies, of the family Cervidae, if they are born and reared in captivity and raised on private property to produce meat or other by-products of animals or as breeding stock to produce alternative livestock:~~

~~1. Fallow deer (*Dama dama*).~~

~~2. Reindeer (*Rangifer tarandus*.)] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 501.005 is hereby amended to read as follows:~~

~~501.005 [As used in this title, “big] “*Big game mammal*” means any game mammal so classified by a Commission regulation.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 501.010 is hereby amended to read as follows:~~

~~501.010 [As used in this title, “board] “*Board*” means the county advisory board to manage wildlife.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 501.013 is hereby amended to read as follows:~~

~~501.013 [As used in this title, “chumming] “*Chumming*” means the placing in the water of fish, parts of fish or other material upon which fish feed, for the purpose of attracting fish to a particular area in order that they may be taken.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 501.015 is hereby amended to read as follows:~~

~~501.015 [As used in this title, “closed] “*Closed season*” means all periods except those designated as “open season.” During any such season it is unlawful to fish, to hunt game mammals or game birds or to hunt or trap fur-bearing mammals. There is no closed season on those species of wild mammals or wild birds classified as unprotected.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 501.020 is hereby amended to read as follows:~~

~~501.020 Except as otherwise provided in NRS 504.430 to 504.490, inclusive, [as used in this title, unless the context otherwise requires,] “*Commission*” means the Board of Wildlife Commissioners.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 501.023 is hereby amended to read as follows:~~

~~501.023 [As used in this title, “county,] “*County*,” when appearing alone or in the reference framework of county advisory board to manage wildlife, board of county commissioners or any county officer, includes and applies to Carson City.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 501.024 is hereby amended to read as follows:~~

~~501.024 [As used in this title,] “*Department*” means the Department of [Wildlife.] *Fish and Game*.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 501.026 is hereby amended to read as follows:~~

~~501.026 [As used in this title,] “*Director*” means the Director of the Department.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 501.030 is hereby amended to read as follows:
501.030 [As used in this title, the] *The* words “to fish” and their derivatives, “fishes,” “fishing” and “fished,” mean catching, taking, capturing, killing, injuring or crippling of a fish or game amphibian, and every attempt to do so.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 501.035 is hereby amended to read as follows:
501.035 [As used in this title, “fur bearing] “*Fur bearing mammal*” means any mammal so classified by a Commission regulation.] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 501.037 is hereby amended to read as follows:
501.037 [As used in this title, “game] “*Game amphibian*” means any amphibian so classified by a Commission regulation.] (Deleted by amendment.)~~

Sec. 14. ~~[NRS 501.045 is hereby amended to read as follows:
501.045 [As used in this title, “game] “*Game fish*” means any fish so classified by a Commission regulation.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 501.046 is hereby amended to read as follows:
501.046 [As used in this title, “game] “*Game mammal*” means any mammal so classified by a Commission regulation.] (Deleted by amendment.)~~

Sec. 16. ~~[NRS 501.047 is hereby amended to read as follows:
501.047 [As used in this title, “game] “*Game warden*” means any person authorized by the Director to enforce the provisions of this title and [of] chapter 488 of NRS.] (Deleted by amendment.)~~

Sec. 17. ~~[NRS 501.050 is hereby amended to read as follows:
501.050 [As used in this title, the] *The* words “to hunt” and their derivatives, “hunting” and “hunted,” mean to search for, pursue or attract wild mammals or birds for the purpose and with the means of capturing, injuring or killing them, every attempt to capture, injure or kill wild mammals or birds, and every act of assistance to any other person in capturing, injuring or killing [such] *those* mammals or birds.] (Deleted by amendment.)~~

Sec. 18. ~~[NRS 501.055 is hereby amended to read as follows:
501.055 [As used in this title, “migratory] “*Migratory game birds*” means any birds so classified by a Commission regulation.] (Deleted by amendment.)~~

Sec. 19. ~~[NRS 501.065 is hereby amended to read as follows:
501.065 [As used in this title, “open] “*Open season*” means that period designated pursuant to the provisions of this title during which it is legal to fish or to hunt game mammals or game birds or to hunt or to trap fur bearing mammals. [Such] *The* period includes the first day and last day designated. There is no open season on those species of wildlife classified as protected.] (Deleted by amendment.)~~

Sec. 20. ~~[NRS 501.088 is hereby amended to read as follows:~~

~~501.088~~ [As used in this title, unless the context otherwise requires, the] ~~The~~ words “to take” and their derivatives, “took,” “taken” and “taking,” when used in reference to wildlife, mean to kill, capture, shoot, trap, catch, wound, possess, collect, seine, snare or net, and every attempt to do so.] **(Deleted by amendment.)**

Sec. 21. ~~[NRS 501.090 is hereby amended to read as follows:~~

~~501.090~~ [As used in this title, the] ~~The~~ words “to trap” and their derivatives, “trapping” and “trapped,” mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any wild mammal or wild bird and every act of assistance to any person in so doing.] **(Deleted by amendment.)**

Sec. 22. ~~[NRS 501.095 is hereby amended to read as follows:~~

~~501.095~~ [As used in this title, “upland] “*Upland* game birds” means any birds so classified by a Commission regulation.] **(Deleted by amendment.)**

Sec. 23. ~~[NRS 501.096 is hereby amended to read as follows:~~

~~501.096~~ [As used in this title, “vessel”] “*Vessel*” means every kind of watercraft, other than a seaplane on the water, which is used or capable of being used as a means of transportation on water.] **(Deleted by amendment.)**

Sec. 24. ~~[NRS 501.097 is hereby amended to read as follows:~~

~~501.097~~ [As used in this title, “wildlife”] “*Wildlife*” means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not.] **(Deleted by amendment.)**

Sec. 25. ~~[NRS 501.110 is hereby amended to read as follows:~~

~~501.110~~ 1. For the purposes of this title, wildlife must be classified as follows:

~~(a) Wild mammals, which must be further classified as [either] game mammals, fur bearing mammals, protected mammals or unprotected mammals.~~

~~(b) Wild birds, which must be further classified as [either] game birds, protected birds or unprotected birds. Game birds must be further classified as upland game birds or migratory game birds.~~

~~(c) Fish, which must be further classified as [either] game fish, protected fish or unprotected fish.~~

~~(d) Reptiles, which must be further classified as [either] protected reptiles or unprotected reptiles.~~

~~(e) Amphibians, which must be further classified as [either] game amphibians, protected amphibians or unprotected amphibians.~~

~~(f) Mollusks, which must be further classified as [either] protected mollusks or unprotected mollusks.~~

~~(g) Crustaceans, which must be further classified as [either] protected crustaceans or unprotected crustaceans.~~

~~2. Protected wildlife may be further classified as [either] sensitive, threatened or endangered.~~

~~3. [Each] Except as otherwise provided in subsection 4, each species of wildlife must be placed in a classification by regulation of the Commission and, when it is in the public interest to do so, and upon reasonable public notice and hearing, a species may be moved from one classification to another.~~

~~4. A wild mountain lion (*felis concolor*) is an unprotected mammal.~~
(Deleted by amendment.)

Sec. 26. NRS 501.331 is hereby amended to read as follows:

501.331 ~~[There]~~ *The Department of [Fish and Game] Wildlife* is hereby created. ~~[the Department of Wildlife which shall]~~ *The Department:*

1. *Shall* administer the wildlife laws of this State and chapter 488 of NRS.

2. ~~[Is under the control of the Commission.]~~ *Shall, on or before the fifth calendar day of each regular session of the Legislature, submit to the Legislature a financial report for each of the immediately preceding 2 fiscal years setting forth the activity and status of the Wildlife Obligated Reserve Account in the State General Fund, each subaccount within that Account and any other account or subaccount administered by the Department for which the use of the money in the account or subaccount is restricted. The report must include, without limitation:*

(a) A description of each project for which money is expended from each of those accounts and subaccounts and a description of each recipient of that money; and

(b) The total amount of money expended from each of those accounts and subaccounts for each fiscal year, including, without limitation, the amount of any matching contributions received for those accounts and subaccounts for each fiscal year.

Sec. 27. ~~[NRS 501.356 is hereby amended to read as follows:~~

~~501.356 1. Money received by the Department from:~~

~~(a) The sale of licenses;~~

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

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

~~(d) Appropriations made by the Legislature; and~~

~~(e) All other sources, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575 or in the Trout Management Account pursuant to NRS 502.327;~~

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

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

~~3. Except as otherwise provided in subsection 4, the Department may use money in the Wildlife Account only to carry out the provisions of this title~~

and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

~~4. Except as otherwise provided in NRS 502.148, 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title must be accounted for separately and may be used only for the management of wildlife.~~ (Deleted by amendment.)

Sec. 28. ~~[NRS 501.376 is hereby amended to read as follows:~~

~~501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, pronghorn antelope [, mountain lion] or black bear:~~

~~(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;~~

~~(b) Through the use of an aircraft, helicopter or motor driven vehicle in violation of NRS 503.010;~~

~~(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;~~

~~(d) In a manner, during a time or in a place otherwise prohibited by a specific statute or a regulation adopted by the Commission; or~~

~~(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:~~

~~(1) Other than the person specified on the tag;~~

~~(2) Outside of the management area or other area specified on the tag;~~

~~or~~

~~(3) If the tag was obtained by a false or fraudulent representation.~~

~~2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:~~

~~(a) The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal; or~~

~~(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.~~

~~3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:~~

~~(a) The nature of the offense;~~

~~(b) The circumstances surrounding the offense;~~

~~(c) The defendant's understanding and appreciation of the gravity of the offense;~~

~~(d) The attitude of the defendant towards the offense; and~~

~~(e) The general objectives of sentencing.~~

~~4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the~~

~~circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.~~

~~5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor.] (Deleted by amendment.)~~

~~Sec. 29. [NRS 501.388 is hereby amended to read as follows:~~

~~501.388 1. The Commission may, in addition to any suspension, revocation or other penalty imposed pursuant to any other provision of this title:~~

~~(a) Revoke any license of any person who is convicted of a violation of NRS 503.050, and may refuse to issue any new license to the convicted person for any period not to exceed 5 years after the date of the conviction; and~~

~~(b) Revoke any license of any person who is convicted of unlawfully killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope [, mountain lion] or black bear in violation of NRS 501.376, and may:~~

~~(1) Refuse to issue any new license to the convicted person for any period not to exceed 3 years; and~~

~~(2) Revoke that person's privilege to apply for any big game tag for a period not to exceed 10 years.~~

~~2. The court in which the conviction is had shall require the immediate surrender of all such licenses and shall forward them to the Commission.] (Deleted by amendment.)~~

~~Sec. 30. [NRS 502.060 is hereby amended to read as follows:~~

~~502.060 1. A person applying for and procuring a license, as provided in this chapter, shall give to the license agent his name and residence address, which must be entered by the license agent on the license and stub, together with the date of issuance and a description of the person. If a child under the age of 18 years is applying for a license to hunt, the child's parent or legal guardian must sign the application and an attached statement acknowledging that the parent or legal guardian has been advised of the provisions of NRS 41.472.~~

~~2. Except as otherwise provided in subsection 3, any person who makes any false statement or furnishes false information to obtain any license, tag or permit issued pursuant to the provisions of this title is guilty of a misdemeanor.~~

~~3. Any person who makes any false statement or furnishes false information to obtain any big game tag issued pursuant to the provisions of this title is guilty of a gross misdemeanor.~~

~~4. It is unlawful for any person to hunt, fish or trap using any hunting, fishing or trapping license which is invalid by reason of expiration or a false statement made to obtain the license.~~

~~5. As used in this section, "big game tag" means a tag permitting a person to hunt any species of pronghorn antelope, bear, deer, mountain goat, [mountain lion,] bighorn sheep or elk.] (Deleted by amendment.)~~

Sec. 31. ~~[NRS 502.148 is hereby amended to read as follows:~~

~~502.148 1. Except as otherwise provided in this subsection, any person who wishes to apply for a restricted nonresident deer tag pursuant to NRS 502.147 must complete an application on a form prescribed and furnished by the Department. A licensed master guide may complete the application for an applicant. The application must be signed by the applicant and the master guide who will be responsible for conducting the restricted nonresident deer hunt.~~

~~2. The application must be accompanied by a fee for the tag of [\$300,] \$303, plus any other fees which the Department may require. The Commission shall establish the time limits and acceptable methods for submitting [such] *the* applications to the Department.~~

~~3. Any application for a restricted nonresident deer tag which contains an error or omission must be rejected and the fee for the tag returned to the applicant.~~

~~4. A person who is issued a restricted nonresident deer tag is not eligible to apply for any other deer tag issued in this State for the same hunting season as that restricted nonresident deer hunt.~~

~~5. [All] *Except as otherwise provided in subsection 6, all fees collected pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.*~~

~~6. *The Department shall account separately for an amount that is equal to \$3 of each fee collected pursuant to subsection 2 and shall use that money only for the control of predatory animals or birds.* (Deleted by amendment.)~~

Sec. 32. ~~[NRS 502.250 is hereby amended to read as follows:~~

~~502.250 1. The amount of the fee that must be charged for the following tags is:~~

~~Resident deer tag [\$30] \$33~~

~~Resident antelope tag [60] 63~~

~~Resident elk tag [120] \$123~~

~~Resident bighorn sheep tag [120] 123~~

~~Resident mountain goat tag [120]~~

~~Resident mountain lion tag 25] 123~~

~~Nonresident deer tag [240] 243~~

~~Nonresident antelope tag [300] 303~~

~~Nonresident elk tag [1,200] 1,203~~

~~Nonresident bighorn sheep tag [1,200] 1,203~~

~~Nonresident mountain goat tag [1,200]~~

~~Nonresident mountain lion tag 100] 1,203~~

~~2. The amount of the fee for other resident or nonresident big game tags must not exceed the highest fee for a resident or nonresident big game tag established pursuant to this section.~~

~~3. The amount of the fee for a tag determined to be necessary by the Commission for other species pursuant to NRS 502.130 must not exceed the~~

~~highest fee for a resident or nonresident tag established pursuant to this section.~~

~~4. A fee not to exceed \$10 may be charged for processing an application for a game species or permit other than an application for an elk. A fee of not less than \$5 but not more than \$15 must be charged for processing an application for an elk, \$5 of which must be deposited with the State Treasurer for credit to the Wildlife Obligated Reserve Account in the State General Fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this State.~~

~~5. The Commission may accept sealed bids for or may auction not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid or auction, not more than 18 percent of the total amount of money received from the bid or auction may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Any amount of money received from the bid or auction that is not so deposited must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund in accordance with the provisions of NRS 501.3575.~~

~~6. The Commission may by regulation establish an additional drawing for big game tags, which may be entitled the Partnership in Wildlife Drawing. To reimburse the Department for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Except as otherwise provided by regulations adopted by the Commission pursuant to subsection 7, the money received by the Department from applicants in the drawing who are not awarded big game tags must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in accordance with the provisions of NRS 501.3575.~~

~~7. The Commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.~~

~~8. The Department shall account separately for an amount that is equal to \$3 of each fee collected for a tag pursuant to this section and NRS 502.142, 502.145 and 502.280, and shall use that money only for the control of predatory animals or birds.] (Deleted by amendment.)~~

Sec. 33. [NRS 503.005 is hereby amended to read as follows:

~~503.005 1. Except as otherwise provided in subsection 2, a person shall not kill or attempt to kill any birds or animals while flying in an aircraft.~~

~~2. The Commission may promulgate rules and regulations whereby the Department may issue permits authorizing the hunting, killing or nonlethal control of coyotes, bobcats, mountain lions or ravens from an aircraft.~~

~~3. Every person who willfully violates the provisions of subsection 1 is guilty of a misdemeanor.] (Deleted by amendment.)~~

Sec. 34. ~~[NRS 503.150 is hereby amended to read as follows:~~

~~503.150 1. Unless otherwise specified by a Commission regulation, it is unlawful to hunt:~~

~~(a) Any game bird or game mammal with any gun capable of firing more than one round with one continuous pull of the trigger, or with any full steel, full steel core, full metal jacket, tracer or incendiary bullet or shell, or any shotgun larger than number 10 gauge.~~

~~(b) Big game mammals in any manner other than with a rifle, held in the hand, that exerts at least 1,000 foot pounds of energy at 100 yards, or with a longbow and arrow which meet the specifications established by a Commission regulation.~~

~~(c) Small game mammals in any manner other than with a handgun, shotgun, rifle, longbow and arrow or by means of falconry.~~

~~(d) Game birds with any rifle or handgun, or in any manner other than with a shotgun held in the hand, with a longbow and arrow or by means of falconry.~~

~~(e) Migratory game birds with any shotgun capable of holding more than three shells.~~

~~(f) Any game bird or game mammal with the aid of any artificial light.~~

~~(g) Any big game mammal [, except mountain lions,] with a dog of any breed.~~

~~2. [Nothing in] The provisions of this section [prohibits] do not prohibit the use of dogs in the hunting of game birds or small game mammals.] (Deleted by amendment.)~~

Sec. 35. ~~[NRS 202.255 is hereby amended to read as follows:~~

~~202.255 1. A person who sets a so called trap, spring pistol, rifle [,] or other deadly weapon shall be punished:~~

~~(a) If no injury results therefrom to any human being, for a gross misdemeanor.~~

~~(b) If injuries not fatal result therefrom to any human being, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.~~

~~(c) If the death of a human being results therefrom:~~

~~(1) Under circumstances not rendering the act murder, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000; or~~

~~(2) Otherwise, for murder which is a category A felony as provided in NRS 200.030.~~

~~2. Subsection 1 does not prevent the use of any loaded spring gun, set gun or other device for the destruction of gophers, moles [, coyotes] or other burrowing rodents or coyotes, mountain lions or other predatory animals by agents or employees of governmental agencies engaged in cooperative predatory animal and rodent control work, but:~~

~~(a) A loaded spring gun, set gun or other device must not be set within 15 miles of the boundaries of any incorporated city or unincorporated town; and~~

~~(b) Before setting any such loaded spring gun, set gun or other device on any real property permission must first be obtained from the owner, lessee or administrator thereof.} (Deleted by amendment.)~~

Sec. 36. 1. There is hereby appropriated from the State General Fund to the Department of ~~[Fish and Game]~~ **Wildlife** the sum of \$200,000 to be used only for ~~[managing]~~ **the preservation of mule deer and the management of** predatory animals or birds.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 37. ~~{1. Any bond filed with the Department of Wildlife that is in effect on January 1, 2008, shall be deemed to have been filed with the Department of Fish and Game.~~

~~2. Any license, tag, stamp, permit, privilege, certificate of number or exempt number issued by the Department of Wildlife that is in effect on January 1, 2008, or any license, tag, stamp or permit issued by a license agent of the Department of Wildlife that is in effect on that date remains in effect until its expiration unless earlier suspended, terminated, revoked, lapsed, discontinued or replaced, and shall be deemed to have been issued by the Department of Fish and Game or a license agent of the Department of Fish and Game.~~

~~3. Any contract or other agreement entered into by the Department of Wildlife that is in effect on January 1, 2008, is binding upon the Department of Fish and Game and may be enforced by the Department of Fish and Game.~~

~~4. Any form prescribed or furnished by the Department of Wildlife pursuant to title 45 or chapter 488 of NRS shall be deemed to be a form that is prescribed or furnished by the Department of Fish and Game pursuant to that title or chapter.} (Deleted by amendment.)~~

Sec. 38. ~~{The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.} (Deleted by amendment.)~~

Sec. 39. This act becomes effective on ~~January 1, 2008.} July 1, 2007.~~

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 298.

Bill read second time.

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

Amendment No. 259.

SUMMARY—Makes various changes to provisions concerning ~~school police~~ + officers. (BDR 23-1027)

AN ACT relating to ~~school police~~ **peace** officers; prohibiting the suspension without pay of a ~~school police~~ **peace** officer in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes each agency in this State that employs peace officers to investigate a peace officer in response to a complaint or allegation that the peace officer engaged in activities which could result in punitive action and sets forth procedures for such investigations. (NRS 289.057, 289.060, 289.070, 289.080) Such procedures do not apply to an investigation concerning alleged criminal activity. (NRS 289.090) This bill prohibits a ~~chief of school police or other person who supervises school police officers~~ **law enforcement agency** from suspending a ~~school police~~ **peace** officer without pay during or pursuant to an investigation in response to a complaint or allegation which does not involve criminal activity until all investigations relating to the matter have concluded.

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

Section 1. NRS 289.057 is hereby amended to read as follows:

289.057 1. An investigation of a peace officer may be conducted in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action.

2. A ~~chief of school police or other person who supervises school police officers~~ **law enforcement agency shall not suspend a school police peace officer without pay during or pursuant to an investigation conducted pursuant to this section until all investigations relating to the matter have concluded.**

3. After the conclusion of the investigation:

(a) If the investigation causes a law enforcement agency to impose punitive action against the peace officer who was the subject of the investigation and the peace officer has received notice of the imposition of the punitive action, the peace officer or a representative authorized by the peace officer may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the law enforcement agency relating to the investigation, including any recordings, notes, transcripts of interviews and documents.

(b) If, pursuant to a policy of a law enforcement agency or a labor agreement, the record of the investigation or the imposition of punitive action is subject to being removed from any administrative file relating to the peace officer maintained by the law enforcement agency, the law enforcement agency shall not, except as otherwise required by federal or state law, keep or make a record of the investigation or the imposition of punitive action after the record is required to be removed from the administrative file.

Sec. 2. The amendatory provisions of this act do not apply to the investigation of a ~~school police~~ **peace** officer which is pending on July 1, 2007.

Sec. 3. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 301.

Bill read second time.

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

Amendment No. 424.

AN ACT relating to counties; revising the qualifications for the office of county sheriff; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, to be eligible for the office of county sheriff, a person must be a qualified elector and at least 21 years old on the date on which he would take office if elected. (NRS 248.005) This bill prescribes ~~two~~ additional qualifications for eligibility for the office of sheriff, which are effective on or after January 1, 2010. ~~First, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), before filing a declaration of candidacy or acceptance of candidacy, a person must :~~ **(1) have accumulated at least ~~10~~ 5 consecutive years of any combination of employment or service as a peace officer in this State, or as a law enforcement officer of the Federal Government or another state or political subdivision thereof** ~~Second, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), a person must be or~~ **; and (2) have been certified as a category I peace officer in this State or the equivalent in another state or have successfully completed a federal law enforcement training program approved by the Peace Officers' Standards and Training Commission. In a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties), the person ~~must be or have been certified as either~~ is not required to meet any requirements with respect to employment, service, certification or training at the time he files his declaration of candidacy or acceptance of candidacy. However, such a person forfeits his office if, within 1 year after the date on which he takes office as sheriff, he fails to earn certification by the Commission**

as a category I, ~~for category~~ II or III peace officer. ~~[, or the equivalent in another state or have successfully completed a federal law enforcement training program approved by the Commission.]~~

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

Section 1. NRS 248.005 is hereby amended to read as follows:

248.005 1. No person is eligible to the office of sheriff unless:

(a) He will have attained the age of 21 years on the date he would take office if so elected; ~~and~~

(b) He is a qualified elector ~~[,]~~; *and*

(c) *On or after January 1, 2010, he meets the ~~[following]~~ requirements set forth in subsection 2 or 3, as applicable.*

2. If a person described in paragraph (c) of subsection 1 is a candidate for the office of sheriff in a county whose population is 100,000 or more, he must meet the following requirements at the time he files his declaration of candidacy or acceptance of candidacy for the office:

~~[(1)]~~ (a) He has a history of at least ~~[10]~~ 5 consecutive years of employment or service:

~~[(1)]~~ (1) As a peace officer ~~[, as that term is defined in NRS 289.010;~~

~~[(II)]~~ ;

~~[(2)]~~ (2) As a law enforcement officer of an agency of the United States;

~~[(III)]~~ (3) As a law enforcement officer of another state or political subdivision thereof; or

~~[(IV)]~~ (4) In any combination of the positions described in ~~[sub-~~subparagraphs (I), (II) and (III).

~~[(2)]~~ If he ~~]~~ subparagraphs (1), (2) and (3); and

(b) He has:

(1) Been certified as a category I peace officer by the Commission;

(2) Been certified as a category I peace officer or its equivalent by the certifying authority of another state that, as determined by the Commission, imposes requirements for certification as a category I peace officer in this State; or

(3) Successfully completed a federal law enforcement training program approved by the Commission.

3. If a person described in paragraph (c) of subsection 1 is a candidate for the office of sheriff in a county whose population is less than 100,000 ~~[or more]:~~

~~(I) He is or has been certified as a category I peace officer by the Commission;~~

~~(II) He is or has been certified as a category I peace officer or its equivalent by the certifying authority of another state that, as determined by the Commission, imposes requirements for certification that are substantially equivalent to the requirements for certification as a category I peace officer in this State; or~~

~~(III) He has successfully completed a federal law enforcement training program approved by the Commission.~~

~~(3) If he is a candidate for the office of sheriff in a county whose population is less than 100,000:~~

~~(I) He is or has been certified as a category I or category II peace officer by the Commission;~~

~~(II) He is or has been certified as a category I or category II peace officer or the equivalent of either by the certifying authority of another state that, as determined by the Commission, imposes requirements for certification that are substantially equivalent to the requirements for} , **he is not required to meet any requirements with respect to employment, service, certification or training at the time he files his declaration of candidacy or acceptance of candidacy for the office. However, such a person forfeits his office if, within 1 year after the date on which he takes office, he fails to earn certification by the Commission as a category I {or} peace officer, category II peace officer** [, as applicable, in this State; or~~

~~(III) He has successfully completed a federal law enforcement training program approved by the Commission.~~

~~2.} **or category III peace officer.**~~

4. A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office of sheriff regardless of whether he has been restored to his civil rights.

~~{3.} **5.** As used in this section:~~

(a) "Category I peace officer" has the meaning ascribed to it in NRS 289.460.

(b) "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

(c) "Category III peace officer" has the meaning ascribed to it in NRS 289.480.

(d) "Commission" means the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500.

(e) "Peace officer" has the meaning ascribed to it in NRS 289.010.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 484.

AN ACT relating to public employees' retirement; pledging that the Legislature will not increase the retirement benefits for certain public employees unless the retirement fund from which the benefits will be paid is

funded at or above a certain level; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the retirement benefits of public employees under the Public Employees' Retirement System are generally governed by the provisions of chapter 286 of NRS. There are two separate retirement funds established under the System pursuant to chapter 286 of NRS, the Public Employees' Retirement Fund and the Police and Firefighters' Retirement Fund. (NRS 286.220, 286.225) This bill sets forth the pledge of the Legislature that it will not increase any benefit or allowance payable under the System pursuant to chapter 286 of NRS **that is not cost neutral** unless the actuarial value of the assets of the retirement fund from which the benefit or allowance will be paid is equal to or greater than 85 percent of the actuarial accrued liabilities of that retirement fund.

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

Section 1. Chapter 286 of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislature hereby pledges that it will not enact any law which has the effect of increasing any benefit or allowance payable under the System pursuant to this chapter that is not cost neutral unless the actuarial value of the assets of the retirement fund from which the benefit or allowance will be paid is equal to or greater than 85 percent of the actuarial accrued liabilities of that retirement fund, as determined in accordance with generally accepted accounting principles for government as prescribed by the Governmental Accounting Standards Board.

Sec. 2. ~~{This act becomes effective upon passage and approval.}~~
(Deleted by amendment.)

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 322.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 156.

AN ACT relating to elections; ~~{requiring persons or groups who advocate the passage or defeat of ballot questions to register with the Secretary of State, clarifying the application to certain groups of certain}~~ **revising the reporting requirements for contributions and expenditures ~~{}~~ for certain persons or groups of persons who advocate the passage or defeat of ballot questions;** making various changes relating to elections and petitions

for initiative or referendum; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~{ Under existing law, committees for political action and nonprofit corporations are required to register with and submit certain information to the Secretary of State before engaging in certain activities related to elections. (NRS 294A.230, 294A.375) Section 1 of this bill requires persons and groups of persons who advocate the passage or defeat of ballot questions to register with and submit certain information to the Secretary of State before engaging in such activity. }~~

Under existing law, persons and groups of persons who either advocate the passage or defeat of ballot questions, or who initiate or circulate petitions for constitutional amendments or statewide measures and who receive money in excess of \$10,000 to support such initiation or circulation, are required to report certain campaign contributions and expenditures. (NRS 294A.150, 294A.220) Sections 2 and 3 of this bill ~~{clarify}~~ **provide** that the \$10,000 threshold applies ~~{only}~~ to **both** persons or groups of persons initiating or circulating petitions ~~{ }~~ and ~~{not}~~ to persons or groups of persons advocating the passage or defeat of ballot questions.

Section 4 of this bill provides that if a petition for initiative or referendum is amended after it is placed on file with the Secretary of State: (1) an amended copy of the petition must be placed on file with the Secretary of State; ~~{and}~~ (2) any signatures that were collected on the original petition before it was amended are not valid ~~{ }~~; **and (3) the revised petition must be submitted not later than the third Tuesday in May of an even-numbered year.**

Section 5 of this bill provides that a petition may be challenged in the First Judicial District Court on the basis that the petition violates the single subject rule, not later than 30 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is placed on file with the Secretary of State. Section 5 also provides that a description of the effect of an initiative or referendum that is successfully challenged and amended in compliance with a court order may not be further challenged.

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

Section 1. ~~{Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, before it engages in any such activity, register with the Secretary of State on forms supplied by him.~~

~~2. The form must require:~~

~~(a) The names, addresses and phone numbers of the person or group of persons; and~~

~~(b) Any other information deemed necessary by the Secretary of State.~~

~~3. The person or persons shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.~~

~~4. The Secretary of State shall include on his Internet website the information required pursuant to subsection 2.~~ **(Deleted by amendment.)**

Sec. 2. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every ~~person~~ :

(a) **Person** or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~;~~ **and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions;** and ~~every person~~

(b) **Person** or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of \$10,000 to support such initiation or circulation ,
 ↪ shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 received during that period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

2. The provisions of ~~this~~ subsection **I** apply to the person or group of persons:

(a) Each year in which ~~an~~ :

(1) **An** election or city election is held for each question for which the person or group advocates passage or defeat ; ~~or~~ ~~each year in which a~~

(2) **A person or group of persons receives or expends money in excess of \$10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; or**

~~(3)~~ **A person or group of persons** receives or expends money in excess of \$10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum; and

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

~~2.~~ **3.** If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately

following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question **and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions** shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question **and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions** shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

↪ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

~~{3-}~~ 4. 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.

~~{4-}~~ 5. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question **and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions** shall comply with the requirements of this subsection. If a question

is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question **and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions** shall comply with the requirements of this subsection. Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of \$10,000 to support such initiation or circulation shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

↪ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

~~{5-}~~ 6. Except as otherwise provided in subsection ~~{6-}~~ 7, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election **and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions** shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

↪ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

~~{6-}~~ 7. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of

questions on the ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, 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 decision.

~~{7}~~ **8.** The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

~~{8}~~ **9.** A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

~~{9}~~ **10.** If the person or group of persons is advocating passage or defeat of a group of questions or is receiving or expending money to support a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum, the reports must be itemized by question or petition.

~~{10}~~ **11.** Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 3. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every ~~{person}~~:

(a) **Person** or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~{}~~ and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions; and ~~{every person}~~

(b) **Person** or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of \$10,000 to support such initiation or circulation ,
 ↪ shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

2. The provisions of ~~this~~ subsection *1* apply to the person or group of persons:

(a) Each year in which ~~an~~ :

(1) *An* election or city election is held for a question for which the person or group advocates passage or defeat ; ~~for~~ ~~each year in which a~~

(2) *A person or group of persons receives or expends money in excess of \$10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; or*

(3) *A* person or group of persons receives or expends money in excess of \$10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum; and

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

~~2.~~ 3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question *and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions* shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question *and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions* shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or

primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

→ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

~~3-4~~ 4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question **and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions** shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question **and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions** shall comply with the requirements of this subsection. Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of \$10,000 to support such initiation or circulation shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

→ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the

Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

~~{4.}~~ 5. Except as otherwise provided in subsection ~~{5.}~~ 6, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

↪ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

~~{5.}~~ 6. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled **and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions** shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, 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 decision.

~~{6.}~~ 7. 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.

~~{7.}~~ 8. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

~~{8.}~~ **9.** If an expenditure is made on behalf of a group of questions or a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum, the reports must be itemized by question or petition. A person may mail or transmit his report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

- (a) On the date that it was mailed if it was sent by certified mail; or
- (b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

~~{9.}~~ **10.** Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 4. NRS 295.015 is hereby amended to read as follows:

295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, a copy of the petition for initiative or referendum, including the description required pursuant to NRS 295.009, must be placed on file with the Secretary of State.

2. ~~{Except as otherwise provided in subsection 3, if}~~ ***If a petition for initiative or referendum or a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is amended after the petition is placed on file with the Secretary of State pursuant to subsection 1:***

(a) The revised petition must be placed on file with the Secretary of State before it is presented to the registered voters for their signatures; ~~{and}~~

(b) Any signatures that were collected on the original petition before it was amended are not valid ~~{.~~

~~3. A revised petition is not required to be filed with the Secretary of State if a petition for initiative or referendum or a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is amended by a court pursuant to NRS 295.061. Any signatures that were collected on the original petition are not valid. ~~{. ***; and***~~~~

(c) The requirements for submission of the petition to each county clerk set forth in NRS 295.056 apply to the revised petition.

~~{4.}~~ **3.** Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1 ~~{}~~ **or 2**, the Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the

Division must prepare a fiscal note that includes an explanation of any such effect.

~~{3-}~~ ~~{5-}~~ **4.** Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1 ~~{-}~~ **or 2**, the Secretary of State shall post a copy of the petition, including the description required pursuant to NRS 295.009 and any fiscal note prepared pursuant to subsection ~~{2-}~~ **3**, on his Internet website.

Sec. 5. NRS 295.061 is hereby amended to read as follows:

295.061 1. ~~{The}~~ ***Except as otherwise provided in subsection 3, whether an initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, and the*** description of the effect of an initiative or referendum required pursuant to NRS 295.009, may be challenged by filing a complaint in the First Judicial District Court not later than 30 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is ~~{initially}~~ placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all criminal proceedings.

2. The legal sufficiency of a petition for initiative or referendum may be challenged by filing a complaint in district court not later than 7 days, Saturdays, Sundays and holidays excluded, after the petition is certified as sufficient by the Secretary of State. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

3. *If a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is challenged successfully pursuant to subsection 1 and such description is amended in compliance with the order of the court, the amended description may not be challenged.*

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 326.

Bill read second time.

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

Amendment No. 366.

SUMMARY ~~{Establishes certain requirements relating}~~ **Revises provisions relating** to buildings constructed of unreinforced masonry. (BDR 28-716)

AN ACT relating to construction; requiring the State Public Works Board to compile a list ~~{and develop and implement a plan}~~ regarding buildings

owned by the State that are constructed of unreinforced masonry; requiring certain local governments to compile a list of certain buildings constructed of unreinforced masonry that are owned by the local government or located within its jurisdiction; ~~requiring the public and private owners of such buildings to develop and implement a plan regarding each such building;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Public Works must adopt by regulation and local governments must include in their building codes the seismic provisions of the International Building Code. (NRS 278.580, 341.143) ~~{This bill requires the State, local governments and private owners of unreinforced masonry buildings to take certain actions if those buildings do not comply with those seismic provisions. Buildings with five or fewer dwelling units, certain warehouses and certain historic structures are exempted from these requirements.}~~

Section 1 of this bill requires the Board to compile a list of all unreinforced masonry buildings owned by the State that are not in compliance with the adopted seismic provisions. ~~{Section 1 also requires the Board to develop and implement a plan to retrofit, change the use of or demolish each such building.}~~

Sections ~~{3 and}~~ 4 **and 5** of this bill require the governing body of each city and county to compile a list of all nonstate public and private unreinforced masonry buildings within the jurisdiction of the governing body that are not in compliance with the seismic provisions. ~~{Sections 3 and 4 require each governing body to develop and implement a plan to retrofit, change the use of or demolish each such unreinforced masonry building owned by the governing body.}~~ Each governing body is also required by sections ~~{3 and}~~ 4 **and 5** to notify each private owner of an unreinforced masonry building within its jurisdiction that the ~~owner is required to develop and implement a plan to retrofit, change the use of or demolish such a building. Sections 3 and 4 authorize each governing body to adopt an ordinance imposing a civil penalty for a violation of these requirements and provide for judicial review of certain decisions of the governing bodies concerning these requirements.}~~ **building is included on the list.**

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

Section 1. NRS 341.143 is hereby amended to read as follows:

341.143 *1.* For the purposes of the design and construction of buildings or other projects of this State, the Board shall adopt by regulation:

~~{1.}~~ (a) The seismic provisions of the International Building Code published by the International Code Council; and

~~{2.}~~ (b) Standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.

2. *On or before July 1, 2009, the Board shall compile a list of:*
 (a) *All unreinforced masonry buildings owned by the State; and*
 (b) *All other unreinforced masonry buildings located in this State, as reported to the Board pursuant to the provisions of sections ~~3 and~~ 4 and 5 of this act.*

3. ~~On or before July 1, 2013, the Board shall develop, for each unreinforced masonry building identified pursuant to paragraph (a) of subsection 2, a plan to:~~

~~(a) Retrofit the building to bring it into compliance with the seismic provisions adopted pursuant to subsection 1;~~

~~(b) Change the use of the building so that the building does not qualify as an unreinforced masonry building; or~~

~~(c) Demolish the building.~~

4. ~~The Board shall complete the action required by each plan developed pursuant to subsection 3 for each unreinforced masonry building owned by the State on or before July 1, 2017.~~

~~5.] As used in this section, “unreinforced masonry building” has the meaning ascribed to it in section 3 of this act.~~

Sec. 2. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. 1. *As used in this section and sections 4 and 5 of this act, unless the context otherwise requires, “unreinforced masonry building” means any building constructed of unreinforced brick, stone, adobe, block and mortar or other unreinforced masonry wall construction that does not comply, as applicable, with the seismic provisions adopted pursuant to NRS 341.143 or included in the building codes of a city or county pursuant to subsection 6 of NRS 278.580. 1961 edition of the Uniform Building Code.*

2. *The term does not include any building that:*

(a) *Contains five or fewer dwelling units;*

(b) *Is a warehouse or other building not used for human occupation and not used to store equipment or supplies for emergency services; or*

(c) *Is a historic structure, as defined in NRS 349.485.*

Sec. 4. ~~1.] On or before July 1, 2009, the governing body of each county:~~

~~{(a)} 1. Shall compile and submit to the State Public Works Board a list of all unreinforced masonry buildings located in the unincorporated areas within the county; and~~

~~{(b)} 2. For each unreinforced masonry building identified pursuant to paragraph (a) subsection 1 that is not owned by the county, notify the owner of the unreinforced masonry building of the requirements of subsection 2.~~

~~2. Within 4 years after receiving notification pursuant to subsection 1, the owner of an unreinforced masonry building notified pursuant to subsection 1 shall submit to the governing body a plan to:~~

~~(a) Retrofit the building to bring it into compliance with the seismic provisions included in the building codes of the county pursuant to subsection 6 of NRS 278.580;~~

~~(b) Change the use of the building so that the building does not qualify as an unreinforced masonry building; or~~

~~(c) Demolish the building.~~

~~3. Within 8 years after receiving notification pursuant to subsection 1, the owner of an unreinforced masonry building notified pursuant to subsection 1 shall complete the action required by the plan developed for the building pursuant to subsection 2. If the owner had developed a plan to retrofit the building pursuant to subsection 2, the owner shall, at the time of completion of the plan, provide evidence satisfactory to the governing body that the building meets the seismic provisions included in the building codes of the county pursuant to subsection 6 of NRS 278.580.~~

~~4. On or before July 1, 2013, the governing body of each county shall develop, for each unreinforced masonry building identified pursuant to paragraph (a) of subsection 1 that is owned by the county, a plan to:~~

~~(a) Retrofit the building to bring it into compliance with the seismic provisions included in the building codes of the county pursuant to subsection 6 of NRS 278.580;~~

~~(b) Change the use of the building so that the building does not qualify as an unreinforced masonry building; or~~

~~(c) Demolish the building.~~

~~5. The governing body of each county shall complete the action required by each plan developed pursuant to subsection 4 for each unreinforced masonry building owned by the county on or before July 1, 2017.~~

~~6. The governing body of each county may adopt an ordinance imposing a civil penalty for the failure of an owner of an unreinforced masonry building to comply with subsection 2 or 3.~~

~~7. A decision of a governing body of a county that:~~

~~(a) A building is an unreinforced masonry building; or~~

~~(b) A person is liable for a civil penalty imposed in accordance with an ordinance adopted pursuant to subsection 6;~~

~~is a final decision for the purposes of judicial review.~~

~~8. Any person aggrieved by a final decision pursuant to subsection 7 may appeal that decision to the district court of the county in which the building is located within 25 days after the date of filing of notice of the decision with the clerk or secretary of the governing body, as set forth in NRS 278.0235.]~~
~~**its inclusion on the list described in subsection 1 and the seismic hazards resulting from unreinforced masonry.**~~

~~Sec. 5. [1.] On or before July 1, 2009, the governing body of each city:~~

~~{(a)} 1. Shall compile and submit to the State Public Works Board a list of all unreinforced masonry buildings located in the city; and~~

~~[(b)] 2. For each unreinforced masonry building identified pursuant to [paragraph (a)] subsection 1 that is not owned by the city, notify the owner of the building of [the requirements of subsection 2.~~

~~2. Within 4 years after receiving notification pursuant to subsection 1, the owner of an unreinforced masonry building notified pursuant to subsection 1 shall submit to the governing body a plan to:~~

~~(a) Retrofit the building to bring it into compliance with the seismic provisions included in the building codes of the city pursuant to subsection 6 of NRS 278.580;~~

~~(b) Change the use of the building so that the building does not qualify as an unreinforced masonry building; or~~

~~(c) Demolish the building.~~

~~3. Within 8 years after receiving notification pursuant to subsection 1, the owner of an unreinforced masonry building notified pursuant to subsection 1 shall complete the action required by the plan developed for the building pursuant to subsection 2. If the owner had developed a plan to retrofit the building pursuant to subsection 2, the owner shall, at the time of completion of the plan, provide evidence satisfactory to the governing body that the building meets the seismic provisions included in the building codes of the city pursuant to subsection 6 of NRS 278.580.~~

~~4. On or before July 1, 2013, the governing body of each city shall develop, for each unreinforced masonry building identified pursuant to paragraph (a) of subsection 1 that is owned by the city, a plan to:~~

~~(a) Retrofit the building to bring it into compliance with the seismic provisions included in its building codes pursuant to subsection 6 of NRS 278.580;~~

~~(b) Change the use of the building so that the building does not qualify as an unreinforced masonry building; or~~

~~(c) Demolish the building.~~

~~5. The governing body of each city shall complete the action required by each plan developed pursuant to subsection 4 for each unreinforced masonry building owned by the city on or before July 1, 2017.~~

~~6. The governing body of each city may adopt an ordinance imposing a civil penalty for the failure of an owner of an unreinforced masonry building to comply with subsection 2 or 3.~~

~~7. A decision of a governing body of a city that:~~

~~(a) A building is an unreinforced masonry building; or~~

~~(b) A person is liable for a civil penalty imposed in accordance with an ordinance adopted pursuant to subsection 6;~~

~~→ is a final decision for the purposes of judicial review.~~

~~8. Any person aggrieved by a final decision pursuant to subsection 7 may appeal that decision to the district court of the county in which the building is located within 25 days after the date of filing of notice of the decision with the clerk or secretary of the governing body, as set forth in NRS 278.0235.]~~

its inclusion on the list described in subsection 1 and the seismic hazards resulting from unreinforced masonry.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 7. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 331.

Bill read second time.

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

Amendment No. 367.

AN ACT relating to water; making various changes to the requirements for plans and joint plans of water conservation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each supplier of water to prepare and adopt a plan of water conservation and sets forth the requirements for such a plan. Suppliers of water may also adopt joint plans of water conservation with other suppliers of water. (NRS 540.131, 540.141) Section 3 of this bill requires such plans to include an estimate of the amount of water that will be conserved each year as the result of specified conservation measures and an analysis of how the rates proposed in the plans to be charged for the use of water will maximize water conservation. Also, section 3 requires the State Engineer to ~~review and evaluate the accuracy of the estimate of the amount of water that will be conserved as a result of the adoption of the plans.~~ **post plans and joint plans on his Internet website.**

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

Section 1. NRS 540.011 is hereby amended to read as follows:

540.011 1. The Legislature determines that it is the policy of the State of Nevada to continue to recognize the critical nature of the State's limited water resources. It is acknowledged that many of the State's surface water resources are committed to existing uses, under existing water rights, and that in many areas of the State the available groundwater supplies have been appropriated for current uses. It is the policy of the State of Nevada to recognize and provide for the protection of these existing water rights. It is ~~also~~ the policy of the State to encourage efficient and nonwasteful use of these limited supplies. ***It is also the policy of the State to encourage suppliers of water to establish prices for the use of water that maximize water conservation with due consideration to the essential service needs of***

customers and the economic burdens on businesses, public services and low-income households.

2. The Legislature further recognizes the relationship between the critical nature of the State's limited water resources and the increasing demands placed on these resources as the population of the State continues to grow.

3. The Legislature further recognizes the relationship between the quantity of water and the quality of water, and the necessity to consider both factors simultaneously when planning the uses of water.

4. The Legislature further recognizes the important role of water resource planning and that such planning must be based upon identifying current and future needs for water. The Legislature determines that the purpose of the State's water resource planning is to assist the State, its local governments and its citizens in developing effective plans for the use of water.

~~{ 5. The Legislature further recognizes that many communities in the arid western United States have reduced system-wide water consumption to 200 gallons per person per day or less. }~~

Sec. 2. NRS 540.131 is hereby amended to read as follows:

540.131 1. Except as otherwise provided in subsection 5, each supplier of water which supplies water for municipal, industrial or domestic purposes shall, on or before July 1, 1992, adopt a plan of water conservation based on the climate and the living conditions of its service area in accordance with the provisions of NRS 540.141, and shall update the plan pursuant to paragraph (c) of subsection 4. The provisions of the plan must apply only to the supplier's property and its customers. The supplier of water shall submit the plan to the Section for review by the Section pursuant to subsection 3.

2. As part of the procedure of adopting a plan, the supplier of water shall provide an opportunity for any interested person, including, but not limited to, any private or public entity that supplies water for municipal, industrial or domestic purposes, to submit written views and recommendations on the plan.

3. The plan must be reviewed by the Section within 30 days after its submission and approved for compliance with this section *and NRS 540.141* before it is adopted by the supplier of water.

4. The plan:

(a) Must be available for inspection by members of the public during office hours at the offices of the supplier of water;

(b) May be revised from time to time to reflect the changing needs and conditions of the service area. Each such revision must be made available for inspection by members of the public; and

(c) Must be updated every 5 years and comply with the requirements of this section and NRS 540.141.

5. Suppliers of water:

(a) Who are required to adopt a plan of water conservation pursuant to this section; and

(b) Whose service areas are located in a common geographical area,

↪ may adopt joint plans of water conservation based on the climate and living conditions of that common geographical area. Such a plan must comply with the requirements of this section and NRS 540.141.

6. The board of county commissioners of a county, the governing body of a city and the town board or board of county commissioners having jurisdiction of the affairs of a town shall:

(a) Adopt any ordinances necessary to carry out a plan of conservation adopted pursuant to this section which applies to property within its jurisdiction;

(b) Establish a schedule of fines for the violation of any ordinances adopted pursuant to this subsection; and

(c) Hire such employees as it deems necessary to enforce the provisions of any ordinances it adopts pursuant to this subsection.

Sec. 3. NRS 540.141 is hereby amended to read as follows:

540.141 1. A plan or joint plan of water conservation submitted to the Section for review must include provisions relating to:

(a) Methods of public education to:

(1) Increase public awareness of the limited supply of water in this State and the need to conserve water.

(2) Encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates.

(b) Specific conservation measures required to meet the needs of the service area, including, but not limited to, any conservation measures required by law.

(c) The management of water to:

(1) Identify and reduce leakage in water supplies, inaccuracies in water meters and high pressure in water supplies; and

(2) Where applicable, increase the reuse of effluent.

(d) A contingency plan for drought conditions that ensures a supply of potable water.

(e) A schedule for carrying out the plan ~~or~~ **or joint plan.**

(f) Measures to evaluate the effectiveness of the plan ~~or~~ **or joint plan.**

(g) ***For each conservation measure specified in the plan or joint plan, an estimate of the amount of water that will be conserved each year as a result of the adoption of the plan or joint plan, stated in terms of gallons of water per person per day.***

2. A plan or joint plan submitted for review must be accompanied by an analysis of ~~the~~ :

(a) ***The*** feasibility of charging variable rates for the use of water to encourage the conservation of water.

(b) ***How the rates that are proposed to be charged for the use of water in the plan or joint plan will maximize water conservation, including, without limitation, an estimate of the manner in which the rates will affect consumption of water.***

3. ~~{The} {Within 30 days after the plan or joint plan is submitted, the State Engineer shall review and evaluate the accuracy of the estimate provided with the plan or joint plan pursuant to paragraph (g) of subsection 1 and paragraph (b) of subsection 2 and submit his findings to the Section.~~

4. ~~Within 30 days after the State Engineer submits his findings to the Section pursuant to subsection 3, the~~ **The** Section shall review any ~~{the}~~ plan or joint plan submitted to it within 30 days after its submission and approve the plan if it is based on the climate and living conditions of the service area and complies with the requirements of this section.

4. ~~{5.}~~ The Chief may exempt wholesale water purveyors from the provisions of this section which do not reasonably apply to wholesale supply.

5. To the extent practicable, the State Engineer shall provide on his Internet website a link to the plans and joint plans that are submitted for review. In carrying out the provisions of this subsection, the State Engineer is not responsible for ensuring, and is not liable for failing to ensure, that the plans and joint plans which are provided on his Internet website are accurate and current.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 342.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 155.

AN ACT relating to elections; providing **under certain circumstances** that a registered voter who lives in a mailing precinct or an absent ballot mailing precinct of a county ~~{or city}~~ who has received a mailing ballot may vote in person at the office of the county ~~{or city}~~ clerk or at designated polling places on election day or at polling places during the period for early voting; requiring **certain** county ~~{and city}~~ clerks to designate at least one polling place to be the polling place to which any registered voter who lives in any of the mailing precincts or absent ballot mailing precincts of the county ~~{or city}~~ may apply to vote in person on election day; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~{Sections 4, 6, 11 and 13} Section 4 of this bill {provide authorization for} requires county clerks in counties with a population of 100,000 or more to designate at least one polling place in the county as the polling place where a person who lives in a mailing precinct or an absent ballot mailing precinct ~~{of a county or a city who has received a mailing ballot to}~~ may vote in person on election day . ~~{for during the period for early voting, instead of returning such a ballot by mail, and sets forth a procedure for the processing of a ballot voted in person pursuant to this authorization. Sections 6 and 13~~~~

~~prohibit~~ In counties with a population of less than 100,000, section 4 provides that a county clerk may, but is not required to, designate such a polling place. Section 6 prohibits the return of a mailing ballot by any person other than the registered voter to whom the ballot was sent unless a family member returns the ballot at the request of the voter. A person who violates this provision is guilty of a category E felony.

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

Section 1. ~~[NRS 293.230 is hereby amended to read as follows:~~

~~293.230 1. In precincts or districts where there are less than 200 registered voters and paper ballots are used, the election board shall perform all duties required from the time of preparing for the opening of the polls through delivering the supplies and result of votes cast to the county clerk.~~

~~2. Except as otherwise provided in NRS 293.235, one election board must be appointed by the county clerk for all mailing precincts within the county and must be designated the central election board. The county clerk shall deliver the mailed ballots to that board in his office, and the board shall count the votes on those ballots in the manner required by law.~~

~~3. The county clerk shall appoint one election board to:~~

~~(a) Be present at each of the polling places designated by the county clerk pursuant to NRS 293.343; and~~

~~(b) Serve any registered voter who lives in any one of the mailing precincts or absent ballot mailing precincts within the county and who applies to vote in person pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353 on election day.~~

~~Such board or boards may be comprised of the same persons serving on the central election board appointed pursuant to subsection 2 or an absent ballot central counting board appointed pursuant to NRS 293.235.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 293.245 is hereby amended to read as follows:~~

~~293.245 When the county clerk determines it necessary to cause any precincts in the county to be designated absent ballot mailing precincts, the precinct's mailing ballots must be placed by the central election board [.] or the absent ballot central counting board [.] in the proper absent ballot mailing precinct ballot box.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 293.275 is hereby amended to read as follows:~~

~~293.275 No election board may perform its duty in serving registered voters at any precinct or district polling place in any election provided for in this title, unless it has before it the election board register for the registered voters of its precinct or district [.] , which, in the case of an election board assigned to serve any registered voter who lives in any one of the mailing precincts or absent ballot mailing precincts within a single county or city and who applies to vote in person, must include all the registered voters~~

~~enrolled in the mailing precinct record book pursuant to NRS 293.350 or 293C.347.~~ (Deleted by amendment.)

Sec. 4. NRS 293.343 is hereby amended to read as follows:

293.343 1. A registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding general election, or in a precinct in which it appears to the satisfaction of the county clerk that there are not more than 200 registered voters, may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

2. Whenever the county clerk has designated a precinct as a mailing precinct, registered voters residing in that precinct may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

3. ~~Whenever~~ In a county whose population is 100,000 or more, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) Shall designate at least one polling place in the county as the polling place to which such a voter may apply to vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places to which such a voter may apply to vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

4. In a county whose population is less than 100,000, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) May designate one or more polling places in the county as the polling place to which such a voter may apply to vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places to which such a voter may apply to vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

5. Polling places designated pursuant to subsection 3 or 4 may include, without limitation, polling places located as closely as practicable to the mailing precincts.

Sec. 5. NRS 293.345 is hereby amended to read as follows:

293.345 ~~The~~

1. *Before 5 p.m. on the last business day preceding the first day of the period for early voting for any primary election or general election, the county clerk shall ~~mail~~ cause to be mailed to each registered voter in each mailing precinct and in each absent ballot mailing precinct ~~before 5 p.m. on the second Thursday before the primary election and before 5 p.m. on the fourth Tuesday in October of any year in which a general election is to be held,~~ an official mailing ballot to be voted by him at the election ~~and~~, and accompanying supplies, as specified in NRS 293.350.*

2. ~~The~~ **If the county clerk has designated, pursuant to subsection 3 or 4 of NRS 293.343, one or more polling places to which a voter may apply to vote in person, the official ballot and the sample ballot must include a notice in bold type informing the voter of the location of the designated polling place or polling places on election day and the polling places during the period for early voting to which the voter may apply to vote in person pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353.**

Sec. 6. NRS 293.353 is hereby amended to read as follows:

293.353 ~~Upon~~

1. *Except as otherwise provided in subsection 2 or 3, upon receipt of a mailing ballot from the county clerk, the registered voter must ~~1. Except as otherwise provided in subsection 2:~~*

(a) ~~Immediately after opening the envelope,~~ *in accordance with the instructions, mark and fold the ballot ~~;~~*

(b) ~~Place the ballot,~~ *if it is a paper ballot, or punch it and leave it unfolded, if the ballot is voted by punching a card, deposit and seal the ballot in the return envelope ~~;~~*

(c) ~~Affix,~~ *affix his signature on the back of the envelope ~~;~~ and*

(d) ~~Mail or deliver~~ *and mail the envelope to the county clerk.*

2. ~~In those counties using a mechanical voting system whereby a vote is cast by punching a card:~~

(a) ~~Immediately after opening the envelope, punch the card;~~

(b) ~~Place the unfolded card in the return envelope;~~

(c) ~~Affix his signature on the back of the envelope; and~~

(d) ~~Mail or deliver the envelope to the county clerk.] Except as otherwise provided in subsection 3, if a registered voter who has received a mailing ballot applies to vote in person at:~~

(a) *The office of the county clerk, he must mark or punch the ballot, place and seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.*

(b) *One of the ~~designated~~ polling places on election day or a polling place for early voting in the county ~~;~~ designated pursuant to subsection 3 or 4 of NRS 293.343, he must surrender the mailing ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered mailing ballot shall mark it "Cancelled."*

3. *If a registered voter who has received a mailing ballot applies to vote in person at the office of the county clerk or at one of the ~~designated~~ polling places on election day or a polling place for early voting in the county ~~that~~ designated pursuant to subsection 3 or 4 of NRS 293.343, and the voter does not have the mailing ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:*

- (a) Provides satisfactory identification;*
- (b) Is a registered voter who is otherwise entitled to vote; and*
- (c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.*

4. *It is unlawful for any person to return a mailing ballot other than the registered voter to whom the ballot was sent or, at the request of the voter, a member of the family of that voter. A person who returns a mailing ballot and who is a member of the family of the voter who received the mailing ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that he is a member of the family of the voter who received the mailing ballot and that the voter requested that he return the mailing ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

Sec. 7. NRS 293.355 is hereby amended to read as follows:

293.355 1. Upon receipt of the return envelope from ~~the~~ a registered voter ~~that~~ of a mailing precinct or absent ballot mailing precinct, whether through the mail or in person at the office of the county clerk pursuant to paragraph (a) of subsection 2 of NRS 293.353, the county clerk shall follow the same procedure as in the case of absent ballots.

2. *Ballots voted in person at a polling place pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, or at the office of the county clerk pursuant to subsection 3 of NRS 293.353, by registered voters of a mailing precinct or absent ballot mailing precinct must be processed and reported by the appointed election board or county clerk in the same manner as required by law for absent ballots voted in person pursuant to NRS 293.330.*

Sec. 8. ~~NRS 293.563 is hereby amended to read as follows:~~

~~293.563 1. During the interval between the closing of registration and the election, the county clerk shall:~~

~~(a) In counties where records of registration are not kept by computer, prepare for each precinct or district a binder containing in alphabetical order the original applications to register to vote of the electors in the precinct or district. The binder constitutes the election board register.~~

~~(b) In counties where records of registration are kept by computer, have printed and placed in a binder for each precinct or district a computer listing in alphabetical order of the applications to register to vote of the electors in the precinct or district. The binder constitutes the election board register.~~

~~2. Each election board register must be delivered or caused to be delivered by the county or city clerk, before the opening of the polls, to [an] #~~

~~(a) An election officer of the proper precinct or district [before the opening of the polls]; or~~

~~(b) The election board appointed by the county or city clerk pursuant to subsection 3 of NRS 293.230 or subsection 3 of NRS 293C.230.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 293C.230 is hereby amended to read as follows:~~

~~293C.230 1. In precincts or districts in a city where there are less than 200 registered voters and paper ballots are used, the election board shall perform all duties required from the time of preparing for the opening of the polls through delivering the supplies and result of votes cast to the city clerk.~~

~~2. Except as otherwise provided in NRS 293C.240, one election board must be appointed by the city clerk for all mailing precincts within the city and must be designated the central election board. The city clerk shall deliver the mailed ballots to that board in his office, and the board shall count the votes on those ballots in the manner required by law.~~

~~3. The city clerk shall appoint one election board to:~~

~~(a) Be present at each of the polling places designated by the city clerk pursuant to NRS 293C.342; and~~

~~(b) Serve any registered voter who lives in any one of the mailing precincts or absent ballot mailing precincts within the city and who applies to vote in person pursuant to paragraph (b) of subsection 2 of NRS 293C.350 or subsection 3 of NRS 293C.350 on election day.~~

~~4. The election board may be comprised of the same persons serving on the central election board appointed pursuant to subsection 2 or an absent ballot central counting board appointed pursuant to NRS 293C.240.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 293C.250 is hereby amended to read as follows:~~

~~293C.250 When the city clerk determines it necessary to cause any precincts in the city to be designated absent ballot mailing precincts, the precinct's mailing ballots must be placed by the central election board or the absent ballot central counting board in the proper absent ballot mailing precinct ballot box.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 293C.342 is hereby amended to read as follows:~~

~~293C.342 1. A registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding city general election, or in a precinct in which it appears to the satisfaction of the city clerk that there are not more than 200 registered voters, may vote at any election regulated by this chapter in the manner provided in NRS 293C.345 to 293C.352 [], inclusive.~~

~~2. Whenever the city clerk has designated a precinct as a mailing precinct, registered voters residing in that precinct may vote at any election~~

regulated by this chapter in the manner provided in ~~NRS 293C.345 to 293C.352~~ [.] ~~, inclusive.~~

~~3. Whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the city clerk:~~

~~(a) Shall designate at least one polling place in the city as the polling place to which such a voter may apply to vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293C.350 or subsection 3 of NRS 293C.350, on election day; and~~

~~(b) May designate certain polling places for early voting as the polling places to which such a voter may apply to vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293C.350 or subsection 3 of NRS 293C.350, during the period for early voting, if it is impractical for the city clerk to provide at each polling place for early voting a ballot in every form required in the city.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 293C.345 is hereby amended to read as follows:~~

~~293C.345 — [Except as otherwise provided in NRS 293C.115,]~~

~~1. Before 5 p.m. on the last business day preceding the first day of the period for early voting for any primary city election or general city election, the city clerk shall [mail] cause to be mailed to each registered voter in each mailing precinct and in each absent ballot mailing precinct [, before 5 p.m. on the third Thursday in March and before 5 p.m. on the fourth Tuesday in May of any year in which a general city election is held,] an official mailing ballot to be voted by him at the election [.] , and accompanying supplies, as specified in NRS 293C.347.~~

~~2. The official ballot and the sample ballot must include a notice in bold type informing the voter of the location of the designated polling place or polling places on election day and the polling places during the period for early voting to which the voter may apply to vote in person pursuant to paragraph (b) of subsection 2 of NRS 293C.350 or subsection 3 of NRS 293C.350.] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 293C.350 is hereby amended to read as follows:~~

~~293C.350 — [Upon]~~

~~1. Except as otherwise provided in subsection 2 or 3, upon receipt of a mailing ballot from the city clerk, the registered voter must [:~~

~~1. Except as otherwise provided in subsection 2:~~

~~(a) Immediately after opening the envelope,] , in accordance with the instructions, mark and fold the ballot [;~~

~~(b) Place the ballot] , if it is a paper ballot, or punch it and leave it unfolded, if the ballot is voted by punching a card, deposit and seal the ballot in the return envelope [;~~

~~(c) Affix] , affix his signature on the back of the envelope [; and~~

~~(d) Mail or deliver] and mail the envelope to the city clerk.~~

~~2. [In those cities using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(a) Immediately after opening the envelope, punch the card;~~

(b) Place the unfolded card in the return envelope;
 (c) Affix his signature on the back of the envelope; and
 (d) Mail or deliver the envelope to the city clerk.] ~~Except as otherwise provided in subsection 3, if a registered voter who has received a mailing ballot applies to vote in person at:~~

~~(a) The office of the city clerk, he must mark or punch the ballot, place and seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.~~

~~(b) One of the designated polling places on election day or a polling place for early voting in the city, he must surrender the mailing ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered mailing ballot shall mark it "Cancelled."~~

~~3. If a registered voter who has received a mailing ballot applies to vote in person at the office of the city clerk or at one of the designated polling places on election day or a polling place for early voting in the city, and the voter does not have the mailing ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:~~

~~(a) Provides satisfactory identification;~~

~~(b) Is a registered voter who is otherwise entitled to vote; and~~

~~(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.~~

~~4. It is unlawful for any person to return a mailing ballot other than the registered voter to whom the ballot was sent or, at the request of the voter, a member of the family of that voter. A person who returns a mailing ballot and who is a member of the family of the voter who received the mailing ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that he is a member of the family of the voter who received the mailing ballot and that the voter requested that he return the mailing ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.] (Deleted by amendment.)~~

Sec. 14. [NRS 293C.352 is hereby amended to read as follows:

~~293C.352 1. Upon receipt of the return envelope from [the] a registered voter [,] of a mailing precinct or absent ballot mailing precinct, whether through the mail or in person at the office of the city clerk pursuant to paragraph (a) of subsection 2 of NRS 293C.350, the city clerk shall follow the same procedure as in the case of absent ballots.~~

~~2. Ballots voted in person at a polling place pursuant to paragraph (b) of subsection 2 of NRS 293C.350 or subsection 3 of NRS 293C.350, or at the office of the city clerk pursuant to subsection 3 of NRS 293C.350, by registered voters of a mailing precinct or absent ballot mailing precinct must be processed and reported by the appointed election board or city clerk in~~

~~the same manner as required by law for absent ballots voted in person pursuant to NRS 203C.330.] (Deleted by amendment.)~~

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 348.

Bill read second time.

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

Amendment No. 368.

AN ACT relating to the Elko Convention and Visitors Authority; revising the boundaries and composition of the Authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law specifies the number and qualifications of members of the Board of Governors of the Elko Convention and Visitors Authority. Certain of the members must reside within the boundaries of the Authority. (Elko Convention and Visitors Authority Act § 8) This bill revises the boundaries of the Authority and, thus, also revises the composition (membership) of the Authority. (Elko Convention and Visitors Authority Act § 18)

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

Section 1. Section 18 of the Elko Convention and Visitors Authority Act, being chapter 227, Statutes of Nevada 1975, as amended by chapter 70, Statutes of Nevada 2001, at page 517, is hereby amended to read as follows:

Sec. 18. ~~The boundaries of the Authority [include all lands, except the incorporated City of Carlin and those lands that have a current agricultural use assessment from the county assessor of Elko County pursuant to chapter 361A of NRS, located within the boundaries described as follows: Beginning at the southwest corner of Elko County, and running thence northerly and westerly along the boundary common to Elko and Eureka Counties to its intersection with a line perpendicular to the northern boundary of the City of Carlin; thence easterly along the northern boundary of the City of Carlin to its extended intersection with the Cadastral Survey Range Line common to Range 52 and Range 53, M.D.B. & M.; thence north along the Cadastral Survey Range Line common to Range 52 and Range 53, M.D.B. & M., to its intersection with Fish Creek; thence easterly to the summit of Swales Mountain of the Independence Mountain Range; thence northerly along the crest of the Independence Mountain Range to its intersection with the Cadastral Survey Township Line common to Township 43 and Township 44, M.D.B. & M.; thence east along the Cadastral Survey Township Line common to Township 43 and Township 44, M.D.B. & M., to its intersection with the Cadastral Survey Range Line common to Range 61 and Range 62,~~

M.D.B. & M.; thence south along the Cadastral Survey Range Line common to Range 61 and Range 62, M.D.B. & M., to its intersection with the centerline of State Route 231, also known as the Angel Lake access road; thence southerly and westerly along the centerline of State Route 231 to Angel Lake; thence west to the crest of the East Humboldt Mountain Range; thence southerly and westerly along the crest of the East Humboldt Mountain Range and the Ruby Mountain Range to its intersection with the southern boundary of Elko County; thence west along the southern boundary of Elko County to the point of beginning.] [consist of, in Elko County:

- 1.— Census tracts 950700, 950800, 950900, 951000, 951300 and 951400.
- 2.— Census voting districts 160, 180 and 200.
- 3.— In census tract 950200, blocks 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1035, 1036, 1077, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1102, 1104, 1111, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1158, 1159, 1160, 1161, 1162, 1293, 1294, 1295, 1296, 1297, 1298 and 1999.
- 4.— In census tract 950600, blocks 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2318, 2319, 2320, 2321, 2322, 2323,

~~2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335,
2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347,
2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359,
2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371,
2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383,
2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395,
2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407,
2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419,
2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431,
2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443,
2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455,
2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467,
2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479,
2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491,
2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503,
2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515,
2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527,
2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539,
2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551,
2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563,
2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575,
2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587,
2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599,
2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611,
2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623,
2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635,
2636, 2637, 2639, 2640, 2641, 2642, 2645, 2646, 2647, 2648, 2649, 2650,
2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662,
2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674,
2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686,
2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698,
2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2713, 2714,
2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726,
2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738,
2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750,
2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762,
2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774,
2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786,
2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798,
2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810,
2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2820, 2821, 2822, 2823,
2824, 2825, 2826, 2834, 2835, 2836, 2837, 2838, 2840, 2841, 2842, 2843,
2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855,
2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869,
2870, 2871, 2874, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884,~~

~~2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2992, 2993, 2994, 2995, 2996, 2997 and 2998.~~

5. In census tract 951200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1091, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1439, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1460, 1461, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1548, 1549, 1550, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1600, 1602, 1603, 1605, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1647, 1648, 1649, 1650, 1651, 1653, 1654, 1721, 1722, 1743, 1744, 1745, 1770, 1771, 1772, 1773, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2024, 2052, 2055, 2087, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031 and 3032.

6. In census tract 951600, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1052, 1053, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1079, 1080, 1081, 1082, 1086, 1087, 1088, 1089, 1090, 1091, 1092,

1093, 1094, 1095, 1112, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1191, 1195, 1196, 1202, 1237, 1261, 1262, 1999, 2069, 2070 and 2071.] include a portion of Elko County westerly of the crest of the Ruby Mountain Range, East Humboldt Mountain Range and U.S. Highway 93, excluding the incorporated City of Wells, incorporated City of Carlin, unincorporated Town of Jackpot, Town of Jarbidge, Town of Mountain City and the Town of Midas/Gold Circle all located in Elko County more particularly described as follows:

Commencing at the northwest corner of Elko County common to the northeast corner of Humboldt County and the Nevada and Idaho state boundary, the point of beginning, thence southerly along the most western boundary of Elko County to a point 30 feet northerly of and parallel to the centerline of Elko County Road 724; thence northeasterly along a line 30 feet northerly of and parallel to the centerline of said Elko County Road 724 to its intersection with the portion of Elko County Road 724 traversing to the Town of Midas/Gold Circle; thence traversing northwesterly continuing along a line 30 feet westerly of and parallel to the centerline of said Elko County Road 724 to the most southerly boundary of the Town of Midas/Gold Circle as shown on the official map of Gold Circle filed in the Office of the Elko County Recorder as File No. 000082; thence traversing westerly, northerly, easterly and southerly around the exterior boundary of the Town of Midas/Gold Circle as shown on said official map of Gold Circle to its intersection with a point 30 feet easterly of and parallel to the centerline of said Elko County Road 724; thence southeasterly along a line 30 feet easterly of and parallel to the centerline of that portion of Elko County Road 724 traversing to the main portion of Elko County Road 724 to a point on a line 30 feet southerly of and parallel to the centerline of Elko County Road 724; thence southwesterly along a line 30 feet southerly of and parallel to Elko County Road 724 to its intersection with the west boundary of Elko County; thence southerly along the most western boundary of Elko County to a point being a common corner to Elko County and Lander County; thence easterly along the Elko County boundary common to Lander and Eureka Counties to a point being a common corner to Elko County and the northeast corner of said Eureka County; thence southerly along the common boundary of Elko County and Eureka County to a point on the most northerly right-of-way of U.S. Interstate Highway 80; thence easterly along the most northerly right-of-way of said U.S. Interstate Highway 80 to its intersection with the most westerly boundary of the incorporated city limits of Carlin; thence northerly along the western boundary of said City of Carlin to the northwest corner of said City of Carlin; thence easterly traversing along the most northerly boundary of said City of Carlin to the northeast corner of said City of Carlin; thence southerly along the eastern boundary of said City of Carlin to the southeast corner of said City of Carlin; thence

westerly along the southern boundary of said City of Carlin to the southwest corner of said City of Carlin; thence northerly along the western boundary of said City of Carlin to its intersection with the most southerly right-of-way of said U.S. Interstate Highway 80; thence westerly along the southerly right-of-way of said U.S. Interstate Highway 80 to its intersection with the most westerly boundary of Elko County common to Elko and Eureka County; thence southerly continuing along the boundary of Elko County common to Elko and Eureka County to the most southwestern corner of Elko County, said corner being the most northwest corner of White Pine County; thence easterly along the southern boundary of Elko County to its intersection with the crest of the Ruby Mountain Range; thence northeasterly along the crest of the said Ruby Mountain Range to its intersection with the crest of the East Humboldt Mountain Range; thence continuing northeasterly along the crest of the East Humboldt Mountain Range to a point directly west of the end of State Route 231 accessing Angel Lake; thence east to the end of said State Route 231 accessing Angel Lake; thence traversing northeasterly along the centerline of said State Route 231 to its intersection with the most western boundary of the incorporated city limits of Wells; thence northerly along the western boundary of said City of Wells to the northwest corner of said City of Wells; thence easterly along the northern boundary of said City of Wells to its intersection with the centerline of U.S. Highway 93; thence northerly along the centerline of said U.S. Highway 93 to a point directly east of the Boise Ranch located in section 15, T. 44 N., R. 63 E., M.D.B. & M.; thence northwesterly to the northwest corner of said section 15, T. 44 N., R. 63 E., M.D.B. & M., being a point on the most westerly boundary of voting precinct 38 common to voting precincts 33 and 38; thence northerly along the most westerly boundary of said voting precinct 38 to its intersection with the northern boundary of Elko County, being a point on the Nevada and Idaho state boundary; thence westerly along the northern boundary of Elko County to its intersection with a point 30 feet east of and parallel to the centerline of Elko County Road 748; thence southerly along a line 30 feet east of and parallel to the centerline of said Elko County Road 748 to its intersection with the Town of Jarbidge boundary as shown on the official map of the Town of Jarbidge filed in the Office of the Elko County Recorder as File No. 031210; thence traversing easterly, southerly, westerly and northerly around the exterior boundary of the Town of Jarbidge to its intersection with a point 30 feet west of and parallel to the centerline of said Elko County Road 748; thence northerly along a line 30 feet west of and parallel to the centerline of said Elko County Road 748 to its intersection with the northern boundary of Elko County; thence westerly along the northern boundary of Elko County to a point on the eastern boundary of the Duck Valley Indian Reservation; thence southerly along the eastern boundary of said Duck Valley Indian Reservation to its intersection with the most northerly right-of-way of State Route 225;

thence southeasterly along the most northerly right-of-way of said State Route 225 to its intersection with the most westerly boundary of the Town of Mountain City as shown on the official map of Mountain City filed in the Office of the Elko County Recorder as File No. 52684; thence traversing easterly, southerly, westerly and northerly around the exterior boundary of Mountain City to its intersection with the most southerly right-of-way of said State Route 225; thence northwesterly along the most southerly right-of-way of said State Route 225 to its intersection with the eastern boundary of said Duck Valley Indian Reservation; thence southerly along the eastern boundary of said Duck Valley Indian Reservation to the southeast corner of said Duck Valley Indian Reservation; thence westerly along the southern boundary of said Duck Valley Indian Reservation to the southwest corner of said Duck Valley Indian Reservation; thence northerly along the western boundary of said Duck Valley Indian Reservation to a point on the northern boundary of Elko County; thence westerly along the northern boundary of Elko County to the northwest corner of Elko County to the point of beginning.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywomen Leslie and Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 422.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 446.

AN ACT relating to trade practices; requiring an employee of a call center to disclose his location ~~[to each customer during a telephone call]~~, **upon request, to customers during calls**; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires an employee of a call center to disclose the ~~[city]~~ state and country in which he is located to a customer during a phone call **upon request**. Section 2 of this bill makes failure to disclose the information a "deceptive trade practice." (NRS 598.0918)

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. When a person places a telephone call to, or receives a telephone call from, an employee of a call center, the employee of the call center shall

disclose , upon request, the ~~{city,}~~ state and country where the employee is located.

2. For the purposes of this section, a “call center” means a location that provides customer service and sales assistance or technical assistance and expertise to persons via telephone, the Internet or other telecommunications and information technology.

Sec. 2. NRS 598.0918 is hereby amended to read as follows:

598.0918 A person engages in a “deceptive trade practice” if, during a solicitation by telephone or sales presentation, he:

1. Uses threatening, intimidating, profane or obscene language;
2. Repeatedly or continuously conducts the solicitation or presentation in a manner that is considered by a reasonable person to be annoying, abusive or harassing;
3. Solicits a person by telephone at his residence between 8 p.m. and 9 a.m.;
4. Blocks or otherwise intentionally circumvents any service used to identify the caller when placing an unsolicited telephone call; ~~{or}~~
5. Places an unsolicited telephone call that does not allow a service to identify the caller by the telephone number or name of the business, unless such identification is not technically feasible ~~{-}~~; *or*

6. Refuses to provide his location as required by section 1 of this act.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 447.

Bill read second time.

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

Amendment No. 372.

AN ACT relating to cooperative agreements; creating an advisory bistate commission to study various environmental and land-use issues that are common to the areas of **Nye County, Nevada**, Clark County, Nevada, Inyo County, California, and San Bernardino County, California , and make recommendations to certain governing bodies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill creates an advisory bistate commission to study various environmental and land-use issues that are common to the areas of **Nye County, Nevada**, Clark County, Nevada, Inyo County, California, and San Bernardino County, California , and make recommendations to certain governing bodies. The advisory commission is modeled loosely on the Advisory Planning Commission of the Tahoe Regional Planning Agency.

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

Section 1. Chapter 277 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Commission" means the ~~Tri-county~~ Mojave Desert Advisory Commission established pursuant to section 6 of this act.*

Sec. 4. *"Region" includes:*

1. Nye County, Nevada;

2. Clark County, Nevada;

~~{2-}~~ 3. Inyo County, California; and

~~{3-}~~ 4. San Bernardino County, California.

Sec. 5. *It is found and declared that:*

1. *The natural resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.*

2. *The public and private interests and investments in the region are substantial.*

3. *The region exhibits unique environmental and ecological values which are irreplaceable.*

4. *By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.*

5. *Environmental and land-use issues in the region, including, without limitation, the health and continued viability of aquifers and the construction and maintenance of roadways, are not amenable to being addressed successfully by policies that are limited to local scope.*

6. *Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.*

7. *Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values of the region.*

8. *There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.*

9. *Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the states of California and Nevada, and the Federal Government.*

10. *In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to ensure an equilibrium between the region's natural endowment and its man-made environment.*

11. *There is a need for a regional voice to study relevant issues and make recommendations for the betterment of the region.*

Sec. 6. 1. *In order to enhance the efficiency and governmental effectiveness of the region, the ~~{Tricounty}~~ Mojave Desert Advisory Commission, representing ~~{Clark County}~~ Nye and Clark Counties, Nevada, and Inyo and San Bernardino Counties, California, is hereby established with the power to study the pertinent issues in the region and make recommendations to the relevant governing bodies relating to the Commission's findings.*

2. *The issues in the region to be studied by the Commission include, without limitation:*

- (a) *Water.*
- (b) *Transportation and traffic.*
- (c) *Zoning and land-use planning.*
- (d) *Air quality and pollution.*
- (e) *The preservation of wildlife habitats.*
- (f) *Generation of energy.*
- (g) *Any other issues that the Commission determines are common among the areas of the region.*

Sec. 7. 1. *The Commission consists of ~~{13}~~ 8 members as follows:*

(a) ~~{Three members appointed by the Majority Leader of the California Senate from among persons knowledgeable in one or more of the areas of energy, the environment, land use, transportation, water or wildlife. At least one such person must reside in the region.~~

(b) ~~Three members appointed by the Speaker of the California Assembly from among persons knowledgeable in one or more of the areas of energy, the environment, land use, transportation, water or wildlife. At least one such person must reside in the region.~~

(c) ~~Three members appointed by the Majority Leader of the Nevada Senate from among persons knowledgeable in one or more of the areas of energy, the environment, land use, transportation, water or wildlife. At least one such person must reside in the region.~~

(d) ~~Three members appointed by the Speaker of the Nevada Assembly from among persons knowledgeable in one or more of the areas of energy, the environment, land use, transportation, water or wildlife. At least one such person must reside in the region.~~

(e) ~~A member of the general public who resides in the region, appointed by the governor of the state in which he resides. In odd-numbered years, the member must be a resident of the State of California. In even-numbered years, the member must be a resident of the State of Nevada.~~ *One member appointed by the Board of County Commissioners for Nye County, Nevada, who is a resident of the County and resides within 20 miles of the border between Nevada and California;*

(b) One member appointed by the Board of County Commissioners for Clark County, Nevada, who is a resident of the County and resides within 20 miles of the border between Nevada and California;

(c) One member appointed by the Board of Supervisors for Inyo County, California, who is a resident of the County and resides within 20 miles of the border between Nevada and California;

(d) One member appointed by the Board of Supervisors for San Bernardino County, California, who is a resident of the County and resides within 20 miles of the border between Nevada and California;

(e) Two members appointed by the Governor of Nevada, at least one of whom is a hydrologist; and

(f) Two members appointed by the Governor of California, at least one of whom is a hydrologist.

↪ Each person appointed pursuant to this subsection must be knowledgeable in one or more of the areas of energy, the environment, land use, transportation, water or wildlife. No person appointed pursuant to this section may be an elected public officer of a city, county or state government at the time of appointment. ~~[Except as otherwise provided in this subsection, the] The term of each member is 4 years. [The term of the member of the general public described in paragraph (e) is 1 year.] Any vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term. A member may be reappointed to the Commission.~~

2. *The Commission shall elect from its own members a Chairman and a Vice Chairman, whose terms of office must be 1 year and who may be reelected. If a vacancy occurs in either office, the Commission shall fill such vacancy for the unexpired term.*

3. ~~[A] All recommendations considered by the Commission relating to the Commission's findings must be transferred to the relevant governing bodies regardless of whether a recommendation is supported by a majority of the members of the Commission ; [constitutes a quorum for the transaction of the business of the Commission. A majority vote of the quorum present is required to take action with respect to any matter.]~~

Sec. 8. *The Commission shall establish and maintain an office within the region, and for this purpose, the Commission may rent or own property and equipment. Every book or record of the Commission which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada must be open to inspection and copying during regular office hours.*

Sec. 9. *Each authority charged pursuant to the provisions of sections 2 to 9, inclusive, of this act or by the law of either state with the duty of appointing a member of the Commission shall, by certified copy of its resolution or other action, notify the Secretary of State of its own state of the action taken.*

Sec. 10. This act becomes effective on the date on which all members have been appointed to the ~~[Tricounty]~~ Mojave Desert Advisory Commission by their respective appointing authorities.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 510.

Bill read second time.

The following amendment was proposed by Select Committee on Corrections, Parole, and Probation:

Amendment No. 546.

AN ACT relating to offenders; revising provisions relating to the residential confinement of certain offenders; authorizing the Director of the Department of Corrections to award greater amounts of credit against the sentence of offenders under certain circumstances; revising provisions relating to programs for the reentry of offenders and parolees into the community; ~~repealing provisions relating to centers for the purpose of making restitution;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill eliminates certain requirements that an offender must meet to be eligible for residential confinement and revises the prohibition against assigning a prisoner who has been convicted of a sexual offense to residential confinement by prohibiting the Director of the Department of Corrections from assigning a prisoner to a minimum security facility if the prisoner has ever been convicted of a sexual offense that is a felony. In addition, section 2 revises a provision which prohibits an offender from receiving residential confinement if the offender has ever been convicted of a violent crime by prohibiting an offender from receiving residential confinement if the offender has, within the immediately preceding 3 years, been convicted of a violent crime that is a felony. (NRS 209.392) Finally, section 2 provides that an offender who has been convicted of a category A or B felony is not eligible for residential confinement.

Existing law requires the Director to assign certain offenders who are abusers of alcohol or drugs to residential confinement. (NRS 209.429) Section 3 of this bill eliminates certain requirements that such an offender must meet for the Director to assign him to residential confinement.

Section 5 of this bill increases from 10 days to 20 days the deduction from the sentence of an offender who engages in certain good behavior. In addition, section 5 increases by 30 days the deductions from the sentence of an offender who obtains certain educational achievements. (NRS 209.4465) Section 6 of this bill increases from 10 days to 20 days the deduction from the sentence of a parolee who is current with any fee to defray the cost of his supervision and who is current with any restitution payments. (NRS 209.4475)

Section 7 of this bill revises the prohibition against assigning a prisoner who has been convicted of a sexual offense to a minimum security facility by prohibiting the Director from assigning a prisoner to such a facility if the

prisoner has ever been convicted of a sexual offense that is a felony. In addition, section 7 revises the prohibition against assigning a prisoner who has committed a violent act during the previous year to a minimum security facility by prohibiting the Director from assigning a prisoner to such a facility if the prisoner has, within the preceding year, been convicted of a violent crime that is a felony. (NRS 209.481)

Existing law allows the Director to establish a program for reentry of offenders and parolees into the community. Section 8 of this bill revises ~~the requirements an offender or parolee must meet to be eligible for the program by providing that an offender is eligible for the program if the offender is within 1 year, rather than 2 years, of his probable release from prison. In addition, section 8 revises~~ a provision which provides that an offender is not eligible for the program if the offender has, within the immediately preceding 5 years, been convicted of a violent crime by providing that an offender is not eligible for the program if the offender has, within the immediately preceding year, been convicted of a violent crime that is a felony. (NRS 209.4888)

~~Existing law allows the Director to establish centers that house offenders in the community so that offenders may earn wages with which to pay restitution to the victims of their crimes. (NRS 209.4827-209.4843) Section 9 of this bill repeals all provisions of existing law relating to centers for the purpose of making restitution.]~~

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

Section 1. ~~[NRS 209.221 is hereby amended to read as follows:~~

~~209.221 1. The Offenders' Store Fund is hereby created as a special revenue fund. All money received for the benefit of offenders through contributions, and from other sources not otherwise required to be deposited in another fund, must be deposited in the Offenders' Store Fund.~~

~~2. The Director shall:~~

- ~~(a) Keep, or cause to be kept, a full and accurate account of the Fund;~~
- ~~(b) Submit reports to the Board relative to money in the Fund as may be required from time to time; and~~
- ~~(c) Submit a monthly report to the offenders of the amount of money in the Fund by posting copies of the report at locations accessible to offenders generally or by delivery of copies to the appropriate representatives of the offenders if any are selected.~~

~~3. Except as otherwise provided in subsections 4 to 7, inclusive, money in the Offenders' Store Fund, except interest earned upon it, must be expended for the welfare and benefit of all offenders.~~

~~4. If necessary to cover a shortfall of money in the Prisoners' Personal Property Fund, the Director may, after obtaining the approval of the Interim Finance Committee, authorize the State Controller to transfer money from~~

~~the Offenders' Store Fund to the Prisoners' Personal Property Fund, and the State Controller shall make the transfer.~~

~~5. If an offender has insufficient money in his individual account in the Prisoners' Personal Property Fund to repay or defray costs assessed to the offender pursuant to NRS 209.246, the Director shall authorize the State Controller to transfer sufficient money from the Offenders' Store Fund to the appropriate account in the State General Fund to pay costs remaining unpaid, and the State Controller shall make the transfer. Any money so transferred must be accounted for separately. The Director shall cause the Offenders' Store Fund to be reimbursed from the offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.~~

~~6. If the Department incurs costs related to state property that has been willfully damaged, destroyed or lost or incurs costs related to medical examination, diagnosis or treatment for an injury to an offender, the Director may authorize the State Controller to transfer money from the Offenders' Store Fund to the appropriate account in the State General Fund to repay or defray those costs if:~~

~~(a) The Director has reason to believe that an offender caused the damage, destruction, loss or injury; and~~

~~(b) The identity of the offender is unknown or cannot be determined by the Director with reasonable certainty.~~

~~The State Controller shall make the transfer if authorized by the Director. Any money transferred must be accounted for separately. If the identity of the offender is determined after money has been transferred, the Director shall cause the Offenders' Store Fund to be reimbursed from the offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.~~

~~7. [If an offender who has been assigned to a center for the purpose of making restitution is returned to an institution for committing an infraction of the regulations of the Department and the center has not been fully compensated for the cost of providing the offender with housing, transportation, meals, or medical or dental services at the center, the Director may authorize the State Controller to transfer money from the Offenders' Store Fund to the appropriate account in the State General Fund to repay or defray those costs. The State Controller shall make the transfer if authorized by the Director. Any money transferred must be accounted for separately. The Director shall cause the Offenders' Store Fund to be reimbursed from the offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.~~

~~8.] If an offender has insufficient money in his individual account in the Prisoners' Personal Property Fund to repay or defray costs assessed to the offender pursuant to NRS 209.246, the offender shall sign a statement under penalty of perjury concerning his financial situation. Such a statement must include, but is not limited to, the following information:~~

~~(a) The value of any interest the offender has in real estate;~~

- ~~(b) The value of the personal property of the offender;~~
- ~~(c) The assets in any bank account of the offender; and~~
- ~~(d) The employment status of the offender.~~

~~[9.] 8. The statement required by subsection [8] 7 must also authorize the Department to access any relevant document, for the purpose of verifying the accuracy of the information provided by the offender pursuant to this section, including, but not limited to, information regarding any bank account of the offender, information regarding any bank account held in trust for the offender and any federal income tax return, report or withholding form of the offender.~~

~~[10.] 9. An offender who conceals assets from the Department or provides false or misleading information on a statement prepared pursuant to this section is guilty of a gross misdemeanor.~~

~~[11.] 10. A person who aids or encourages an offender to conceal assets from the Department or to provide false or misleading information on a statement prepared pursuant to this section is guilty of a gross misdemeanor.]~~

(Deleted by amendment.)

Sec. 2. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

- (a) Established a position of employment in the community;
- (b) Enrolled in a program for education or rehabilitation; or
- (c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

↪ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

~~(a) Is not eligible for parole or release from prison within a reasonable period;~~

~~(b)~~ Has recently committed a serious infraction of the rules of an institution or facility of the Department;

~~(c)~~ **(b)** Has not performed the duties assigned to him in a faithful and orderly manner;

~~(d)~~ **(c)** Has ever been convicted of:

(1) Any crime **that is punishable as a felony** involving the use or threatened use of force or violence against the victim ~~;~~ **within the immediately preceding 3 years;**

(2) A sexual offense ~~;~~

~~(e)~~ **that is punishable as a felony; or**

(3) A category A or B felony;

(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379, 484.3795 or 484.37955; **or**

~~(f)~~ **(e)** Has escaped or attempted to escape from any jail or correctional institution for adults, ~~;~~

~~(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director.;~~

↪ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

↪ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 3. NRS 209.429 is hereby amended to read as follows:

209.429 1. Except as otherwise provided in subsection 6, the Director shall assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of the maximum term of his sentence if {~~+~~

{~~a)~~ ~~The~~ *the* offender has:

{~~1)~~ (a) Established a position of employment in the community; {~~or~~

{~~2)~~ (b) Enrolled in a program for education or rehabilitation {~~+~~ ; or

{~~3)~~ (c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime. {~~+~~

{~~b)~~ ~~The offender has successfully completed the initial period of treatment required under the program of treatment established pursuant to NRS 209.425; and~~

{~~c)~~ ~~The Director believes that the offender will be able to:~~

{~~1)~~ ~~Comply with the terms and conditions required under residential confinement; and~~

{~~2)~~ ~~Complete successfully the remainder of the program of treatment while under residential confinement.~~

↪ ~~If an offender assigned to the program of treatment pursuant to NRS 209.427 completes the initial phase of the program and thereafter refuses to enter the remainder of the program of treatment pursuant to this section, the offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before this refusal, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.~~

2. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he must submit to the Division of Parole and Probation a signed document stating that:

(a) He will comply with the terms or conditions of his residential confinement; and

(b) If he fails to comply with the terms or conditions of his residential confinement and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings.

3. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding forfeiture of credits is final.

4. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,
↳ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

5. A person does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

6. The Director shall not assign an offender who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to the custody of the Division of Parole and Probation to serve a term of residential confinement unless the Director makes a finding that the offender is not likely to pose a threat to the victim of the battery.

Sec. 4. NRS 209.446 is hereby amended to read as follows:

209.446 1. Every offender who is sentenced to prison for a crime committed on or after July 1, 1985, but before July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his residential confinement, or the laws of the State recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed:

(a) For the period he is actually incarcerated under sentence;

(b) For the period he is in residential confinement; and

(c) For the period he is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

↪ a deduction of 10 days from his sentence for each month he serves.

2. In addition to the credit provided for in subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

- (a) For earning a general educational development certificate, 30 days.
- (b) For earning a high school diploma, 60 days.
- (c) For earning an associate degree, 90 days.

3. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is entitled to the entire 20 days of credit each month which is authorized in subsections 1 and 2.

4. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

5. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

6. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole.

Sec. 5. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his residential confinement or the laws of the State recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed:

- (a) For the period he is actually incarcerated pursuant to his sentence;
- (b) For the period he is in residential confinement; and

(c) For the period he is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

↪ a deduction of ~~10~~ 20 days from his sentence for each month he serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition

to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate, ~~{30}~~ **60** days.

(b) For earning a high school diploma, ~~{60}~~ **90** days.

(c) For earning his first associate degree, ~~{90}~~ **120** days.

3. The Director may, in his discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 20 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

Sec. 6. NRS 209.4475 is hereby amended to read as follows:

209.4475 1. In addition to any credits earned pursuant to NRS 209.447, an offender who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life must be allowed for the period he is actually on parole a deduction of ~~{10}~~ **20** days from his sentence for each month he serves if:

(a) He is current with any fee to defray the costs of his supervision pursuant to NRS 213.1076; and

(b) He is current with any payment of restitution required pursuant to NRS 213.126.

2. In addition to any credits earned pursuant to subsection 1 and NRS 209.447, the Director may allow not more than 10 days of credit each month for an offender:

(a) Who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life; and

(b) Whose diligence in labor or study merits such credits.

3. An offender is entitled to the deductions authorized by this section only if he satisfies the conditions of subsection 1 or 2, as determined by the

Director. The Chief Parole and Probation Officer or other person responsible for the supervision of an offender shall report to the Director the failure of an offender to satisfy those conditions.

4. Credits earned pursuant to this section must, in addition to any credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.447, 209.448 and 209.449, be deducted from the maximum term imposed by the sentence.

5. The Director shall maintain records of the credits to which each offender is entitled pursuant to this section.

Sec. 7. NRS 209.481 is hereby amended to read as follows:

209.481 1. The Director shall not assign any prisoner to an institution or facility of minimum security if the prisoner:

(a) Except as otherwise provided in NRS 484.3792, 484.3795, 484.37955, 488.420 and 488.427, is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has *ever* been convicted of a sexual offense ~~+~~ **that is punishable as a felony;**

(e) Has ~~committed an act of serious violence during the previous year;~~ **within the immediately preceding year, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;** or

(f) Has attempted to escape or has escaped from an institution of the Department.

2. The Director shall, by regulation, establish procedures for classifying and selecting qualified prisoners.

Sec. 8. NRS 209.4888 is hereby amended to read as follows:

209.4888 1. Except as otherwise provided in this section, if a correctional program has been established by the Director in the county in which an offender was sentenced to imprisonment, the Director may, after consulting with the Division, determine that an offender is suitable to participate in the correctional program if:

(a) The Director believes that the offender would participate successfully in and benefit from the correctional program;

(b) The offender has demonstrated a willingness to:

(1) Engage in employment or participate in vocational rehabilitation or job skills training; and

(2) Meet any existing obligation for restitution to any victim of his crime; and

(c) The offender is within 2 years ~~1 year~~ of his probable release from prison, as determined by the Director.

2. Except as otherwise provided in this section, if the Director determines that an offender is suitable to participate in the correctional program, the

Director shall request that the Chairman of the State Board of Parole Commissioners assign the offender to the custody of the Division to participate in the correctional program. The Chairman may assign the offender to the custody of the Division to participate in the correctional program for not longer than the remainder of his sentence.

3. The Director shall, by regulation, adopt standards setting forth which offenders are suitable to participate in the correctional program pursuant to this section. The standards adopted by the Director must be approved by the Board and must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to him in a faithful and orderly manner;

(c) Has, within the immediately preceding ~~{5 years,}~~ *year*, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;

(d) Has ever been convicted of a sexual offense ~~{;}~~ *that is punishable as a felony; or*

(e) Has escaped or attempted to escape from any jail or correctional institution for adults, ~~{; or~~

~~{f) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,}~~

↪ is not eligible for assignment to the custody of the Division pursuant to this section to participate in a correctional program.

4. The Director shall adopt regulations requiring offenders who are assigned to the custody of the Division pursuant to this section to reimburse the Division and the Department for the cost of their participation in a correctional program, to the extent of their ability to pay.

5. The Director may return the offender to the custody of the Department at any time for any violation of the terms and conditions agreed upon by the Director and the Chairman.

6. If an offender assigned to the custody of the Division pursuant to this section violates any of the terms or conditions agreed upon by the Director and the Chairman and is returned to the custody of the Department, the offender forfeits all or part of the credits for good behavior earned by him before he was returned to the custody of the Department, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this subsection only after proof of the violation and notice is given to the offender. The Director may restore credits so forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

7. The assignment of an offender to the custody of the Division pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

↳ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

8. An offender does not have a right to be assigned to the custody of the Division pursuant to this section, or to remain in that custody after such an assignment. It is not intended that the establishment or operation of a correctional program creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 9. [~~NRS 209.4827, 209.4829, 209.4831, 209.4837, 209.4841 and 209.4843 are hereby repealed.~~] (Deleted by amendment.)

Sec. 10. For the purpose of calculating the credits earned by an offender pursuant to NRS 209.4465, the amendatory provisions of section 5 of this act apply only to credits earned by an offender on or after July 1, 2008.

Sec. 11. This act becomes effective on July 1, 2008.

†

~~LEADLINES OF REPEALED SECTIONS~~

~~209.4827 — Centers to house offenders.~~

~~209.4829 — Assignment of offender to center.~~

~~209.4831 — Deduction from wages of offender for living expenses.~~

~~209.4837 — Agreement for assignment and distribution of wages of offender; schedule of restitution.~~

~~209.4841 — Distribution of earnings of offender.~~

~~209.4843 — Termination of payments of restitution.]~~

Assemblyman Parks moved the adoption of the amendment.

Assemblyman Horne moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:42 a.m.

ASSEMBLY IN SESSION

At 11:44 a.m.

Madam Speaker presiding.

Quorum present.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 573.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 330.

AN ACT relating to wildlife; requiring the Department of Wildlife to issue a 1-day ~~family~~ **group** fishing permit under certain circumstances; requiring the Board of Wildlife Commissioners to adopt certain regulations; prohibiting a person from hunting or fishing any wildlife without a license or permit to do so; revising the information that the Department must include in certain permits; revising the fees for certain tags and permits; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Department of Wildlife and requires the Department to administer the wildlife laws of this State. (NRS 501.331)

Section 25 of this bill requires the Department to issue a 1-day ~~family~~ **group** fishing permit to ~~an immediate family~~ **a group** upon payment of the fee for the permit. ~~[An "immediate family"]~~ A **"group"** means a **group of persons that consists of at least one [person] adult** who is at least ~~18~~ **16** years of age ~~[, the spouse, if any, of that person and each child of a certain age who is a child or grandchild of that person or a child for whom the adult is a legal guardian.]~~ **and at least one child who is at least 12 years of age but less than 16 years of age.** Section 30 of this bill authorizes a person to fish for trout without obtaining a state trout stamp if the person is fishing under the authority of a 1-day ~~family~~ **group** fishing permit.

Existing law states that a person who hunts or traps any wild bird or mammal or who fishes without first obtaining a license or permit to do so is guilty of a misdemeanor. (NRS 502.010) Existing law further states that a person who traps fur-bearing mammals must obtain a trapping license. (NRS 503.454) Section 26 of this bill states that a person who hunts or fishes any wildlife without a license or permit is guilty of a misdemeanor. "Wildlife" means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state. (NRS 501.097)

Existing law requires a license that grants the privilege to hunt, fish or trap to include certain information, including, without limitation, the name, address and description of the holder of the license and the date the license is issued. (NRS 502.030) Section 27 of this bill expands that requirement to include any permit to hunt, fish or trap.

Existing law sets forth the fees that must be paid for licenses, permits and tags to hunt, fish and trap in Nevada. (NRS 502.240, 502.250) Section 28 of this bill imposes a fee of \$20 for the issuance of a 1-day permit to hunt migratory game birds and a fee of \$8 for each consecutive day added to that permit. Section 29 of this bill imposes a fee of \$1,200 for the issuance of a nonresident antlered elk tag and a fee of \$500 for the issuance of a nonresident antlerless elk tag.

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NRS 501.003 is hereby amended to read as follows:

501.003 ~~{As used in this title, “alternative”}~~ **“Alternative** livestock” means the following species, including subspecies, of the family Cervidae, if they are born and reared in captivity and raised on private property to produce meat or other by-products of animals or as breeding stock to produce alternative livestock:

1. Fallow deer (***Dama dama***).
2. Reindeer (***Rangifer tarandus***).

Sec. 3. NRS 501.005 is hereby amended to read as follows:

501.005 ~~{As used in this title, “big”}~~ **“Big** game mammal” means any game mammal so classified by Commission regulation.

Sec. 4. NRS 501.010 is hereby amended to read as follows:

501.010 ~~{As used in this title, “board”}~~ **“Board”** means the county advisory board to manage wildlife.

Sec. 5. NRS 501.013 is hereby amended to read as follows:

501.013 ~~{As used in this title, “chumming”}~~ **“Chumming”** means the placing in the water of fish, parts of fish or other material upon which fish feed, for the purpose of attracting fish to a particular area in order that they may be taken.

Sec. 6. NRS 501.015 is hereby amended to read as follows:

501.015 ~~{As used in this title, “closed”}~~ **“Closed** season” means all periods except those designated as “open season.” During any such season it is unlawful to fish, to hunt game mammals or game birds or to hunt or trap fur-bearing mammals. There is no closed season on those species of wild mammals or wild birds classified as unprotected.

Sec. 7. NRS 501.020 is hereby amended to read as follows:

501.020 Except as otherwise provided in NRS 504.430 to 504.490, inclusive, ~~{as used in this title, unless the context otherwise requires,}~~ “Commission” means the Board of Wildlife Commissioners.

Sec. 8. NRS 501.023 is hereby amended to read as follows:

501.023 ~~{As used in this title, “county,”}~~ **“County,”** when appearing alone or in the reference framework of county advisory board to manage wildlife, board of county commissioners or any county officer, includes and applies to Carson City.

Sec. 9. NRS 501.024 is hereby amended to read as follows:

501.024 ~~{As used in this title,}~~ “Department” means the Department of Wildlife.

Sec. 10. NRS 501.026 is hereby amended to read as follows:

501.026 ~~{As used in this title,}~~ “Director” means the Director of the Department.

Sec. 11. NRS 501.030 is hereby amended to read as follows:

501.030 ~~{As used in this title, the}~~ **The** words “to fish” and their derivatives, “fishes,” “fishing” and “fished,” mean catching, taking, capturing, killing, injuring or crippling of a fish or game amphibian, and every attempt to do so.

Sec. 12. NRS 501.035 is hereby amended to read as follows:

501.035 ~~{As used in this title, “fur bearing”}~~ **“Fur-bearing** mammal” means any mammal so classified by Commission regulation.

Sec. 13. NRS 501.037 is hereby amended to read as follows:

501.037 ~~{As used in this title, “game”}~~ **“Game** amphibian” means any amphibian so classified by Commission regulation.

Sec. 14. NRS 501.045 is hereby amended to read as follows:

501.045 ~~{As used in this title, “game”}~~ **“Game** fish” means any fish so classified by Commission regulation.

Sec. 15. NRS 501.046 is hereby amended to read as follows:

501.046 ~~{As used in this title, “game”}~~ **“Game** mammal” means any mammal so classified by Commission regulation.

Sec. 16. NRS 501.047 is hereby amended to read as follows:

501.047 ~~{As used in this title, “game”}~~ **“Game** warden” means any person authorized by the Director to enforce the provisions of this title and of chapter 488 of NRS.

Sec. 17. NRS 501.050 is hereby amended to read as follows:

501.050 ~~{As used in this title, the}~~ **The** words “to hunt” and their derivatives, “hunting” and “hunted,” mean to search for, pursue or attract ~~{wild mammals or birds}~~ **any wildlife** for the purpose and with the means of capturing, injuring or killing ~~{them,}~~ **that wildlife**, every attempt to capture, injure or kill ~~{wild mammals or birds,}~~ **wildlife**, and every act of assistance to any other person in capturing, injuring or killing ~~{such mammals or birds,}~~ **that wildlife**.

Sec. 18. NRS 501.055 is hereby amended to read as follows:

501.055 ~~{As used in this title, “migratory”}~~ **“Migratory** game birds” means any birds so classified by Commission regulation.

Sec. 19. NRS 501.065 is hereby amended to read as follows:

501.065 ~~{As used in this title, “open”}~~ **“Open** season” means that period designated pursuant to the provisions of this title during which it is legal to fish or to hunt game mammals or game birds or to hunt or to trap fur-bearing mammals. ~~{Such}~~ **The** period includes the first day and last day designated. There is no open season on those species of wildlife classified as protected.

Sec. 20. NRS 501.088 is hereby amended to read as follows:

501.088 ~~{As used in this title, unless the context otherwise requires, the}~~ **The** words “to take” and their derivatives, “took,” “taken” and “taking,”

when used in reference to wildlife, mean to kill, capture, shoot, trap, catch, wound, possess, collect, seine, snare or net, and every attempt to do so.

Sec. 21. NRS 501.090 is hereby amended to read as follows:

501.090 ~~{As used in this title, the}~~ **The** words “to trap” and their derivatives, “trapping” and “trapped,” mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any ~~{wild mammal or wild bird}~~ **wildlife** and every act of assistance to any person in so doing.

Sec. 22. NRS 501.095 is hereby amended to read as follows:

501.095 ~~{As used in this title, “upland}~~ **“Upland** game birds” means any birds so classified by Commission regulation.

Sec. 23. NRS 501.096 is hereby amended to read as follows:

501.096 ~~{As used in this title, “vessel”}~~ **“Vessel”** means every kind of watercraft, other than a seaplane on the water, which is used or capable of being used as a means of transportation on water.

Sec. 24. NRS 501.097 is hereby amended to read as follows:

501.097 ~~{As used in this title, “wildlife”}~~ **“Wildlife”** means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not.

Sec. 25. Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall issue a 1-day ~~{family}~~ group fishing permit to ~~{an immediate family}~~ a group upon the payment of the fee required pursuant to this section. A 1-day ~~{family}~~ group fishing permit authorizes each member of the ~~{immediate family}~~ group to fish during the period specified on the permit in accordance with the regulations adopted by the Commission pursuant to this section. Each group that applies for the issuance of a 1-day group fishing permit pursuant to this section must designate a person who is at least 18 years of age to act as the primary adult for that group.

2. ~~{The fee}~~ Except as otherwise provided in subsection 3, the fees for the issuance of a 1-day ~~{family}~~ group fishing permit ~~{is:~~

~~(a) Nineteen dollars, if are:~~

(a) If at least one member of the ~~{immediate family}~~ group is a bona fide resident of this State pursuant to NRS 502.015, ~~{:~~

~~(b) Thirty nine dollars, if :~~

(1) Eight dollars for the primary adult for the group;

(2) Five dollars for each other adult in the group; and

(3) Four dollars for each child in the group.

(b) If no member of the ~~{immediate family}~~ group is a bona fide resident of this State pursuant to NRS 502.015, ~~{:~~

(1) Seventeen dollars for the primary adult for the group;

(2) Eleven dollars for each other adult in the group; and

(3) Five dollars for each child in the group.

3. The fees specified in subsection 2 are payable only with respect to each member of the group who does not hold a license or permit to fish issued pursuant to NRS 502.240.

4. The Commission shall adopt regulations to carry out the provisions of this section, including, without limitation, the requirements for using a 1-day ~~{family}~~ group fishing permit.

~~{4.}~~ **5. As used in this section, “immediate family” means a family consisting of:**

- ~~(a) A married or unmarried person who is at least 18 years of age;~~
- ~~(b) The spouse, if any, of a person specified in paragraph (a) who is at least 18 years of age; and~~
- ~~(c) Each child:~~
 - ~~(1) For whom a person specified in paragraph (a) or (b) is a parent, grandparent or legal guardian; and~~
 - ~~(2) Who :~~

(a) "Adult" means a person who is at least 16 years of age.

(b) "Child" means a person who is at least 12 years of age but less than 16 years of age .

~~{→}~~

(c) "Group" means a group of persons consisting of at least one adult and one child at the time the 1-day ~~{family}~~ group fishing permit is purchased.

Sec. 26. NRS 502.010 is hereby amended to read as follows:

502.010 1. A person who hunts or ~~{traps any of the wild birds or mammals or who}~~ fishes **any wildlife** without having first procured a license or permit to do so, as provided in this title, is guilty of a misdemeanor, except that:

(a) A license to hunt or fish is not required of a resident of this State who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.

(b) A license to fish is not required of a nonresident of this State who is under 12 years of age, but the number of fish taken by the nonresident must not exceed 50 percent of the daily creel and possession limits as provided by law.

(c) Except as otherwise provided in subsection 5 or 6 of NRS 202.300, it is unlawful for any child who is under 18 years of age to hunt any ~~{of the wild birds or mammals}~~ **wildlife** with any firearm, unless the child is accompanied at all times by his parent or guardian or is accompanied at all times by an adult person authorized by his parent or guardian to have control or custody of the child to hunt if the authorized person is also licensed to hunt.

(d) A child under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada. This section does not prohibit any child from accompanying an adult licensed to hunt.

(e) The Commission may adopt regulations setting forth:

(1) The species of ~~{wild birds or mammals}~~ **wildlife** which may be hunted or trapped without a license or permit; or

(2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.

(f) The Commission may declare one day per year as a day upon which persons may fish without a license to do so.

2. This section does not apply to the protection of persons or property from unprotected ~~{wild birds or mammals}~~ **wildlife** on or in the immediate vicinity of home or ranch premises.

Sec. 27. NRS 502.030 is hereby amended to read as follows:

502.030 1. Licenses **or permits** granting the privilege to hunt, fish or trap as provided in this title must be of such a form as is deemed necessary by the Department, but must include the following information:

(a) The holder's name, address and description.

(b) The date issued.

(c) The period of validity.

(d) The correct designation as to whether a fishing, hunting or trapping license ~~{}~~ **or permit**.

(e) A statement to be signed by the holder: "I, the signator holder in signing this license ~~{}~~ **or permit**, hereby state that I am entitled to this license **or permit** under the laws of the State of Nevada and that no false statement has been made by me to obtain this license ~~{}~~ **or permit**."

2. The Commission may provide rules and regulations requiring an applicant to exhibit proof of his identity and residence. Such information must be included on the license **or permit** as is deemed necessary by the Department.

3. The Commission may provide rules and regulations establishing a permanent licensing **or permitting** system. Such a system may authorize the use of applications for the issuance of temporary hunting, fishing and trapping licenses **or permits** for residents and the issuance of annual licenses **or permits** therefrom. The system may provide for the automatic renewal and validation of the annual license ~~{}~~ **or permit**.

4. The Commission may ~~{provide regulations covering}~~ **adopt regulations setting forth** the method of applying for, the term and expiration date of any license **or permit** required by this title to be issued without the payment of a fee.

Sec. 28. NRS 502.240 is hereby amended to read as follows:

502.240 The Department shall issue annual licenses and limited permits:

1. To any person who has not attained his 16th birthday and who has been a bona fide resident of the State of Nevada for 6 months immediately preceding his application for a license, upon payment of a fee of \$10 for an annual trapping license.

2. Except as otherwise provided in NRS 502.245 and 504.390, **and section 25 of this act**, to any person who has attained his 16th birthday and

who has been a bona fide resident of the State of Nevada for 6 months immediately preceding his application for a license, upon the payment of a fee of:

For fe <i>an annual</i> fishing license	\$25
For a 1-day permit to fish	8
For each consecutive day added to a 1-day permit to fish	3
For a hunting license.....	29
For a combined hunting and fishing license	50
For a trapping license.....	38
For a fur dealer's license.....	63
For an annual master guide's license	750
For an annual subguide's license	125

3. To any person who has attained his 12th birthday but who has not attained his 16th birthday, and who is not a bona fide resident of the State of Nevada, upon the payment of a fee of \$17 for an annual fishing license.

4. Except as otherwise provided in subsection 3 ~~and~~ ***and section 25 of this act***, to any person who is not a bona fide resident of the State of Nevada, upon the payment of a fee of:

For an annual fishing license	\$65
For a 1-day permit to fish	17
For each consecutive day added to a 1-day permit to fish	7
For a hunting license.....	138
For a combined hunting and fishing license	195
For an annual trapper's license	188
For a fur dealer's license.....	125
For an annual master guide's license	1,500
For an annual subguide's license	250
For a 1-day permit to hunt upland game and waterfowl <i>migratory game birds</i>	20
For each consecutive day added to a 1-day permit to hunt upland game and waterfowl <i>migratory game birds</i>	8

5. To any person, without regard to residence, upon the payment of a fee of:

For a noncommercial license for the possession of live wildlife	\$15
For a commercial or private shooting preserve.....	125
For a commercial license for the possession of live wildlife	500
For a live bait dealer's permit	44
For a competitive field trials permit.....	31
For a permit to train dogs or falcons.....	15
For a 1-year falconry license	38
For a 3-year falconry license	94
For an importation permit	15
For an import eligibility permit	31
For an exportation permit	15

For any other special permit issued by the Department, a fee not to exceed the highest fee established for any other special permit set by the Commission.

Sec. 29. NRS 502.250 is hereby amended to read as follows:

502.250 1. The amount of the fee that must be charged for the following tags is:

Resident deer tag.....	\$30
Resident antelope tag.....	60
Resident elk tag.....	120
Resident bighorn sheep tag.....	120
Resident mountain goat tag.....	120
Resident mountain lion tag.....	25
Nonresident deer tag.....	240
Nonresident antelope tag.....	300
Nonresident <i>antlered</i> elk tag.....	1,200
Nonresident antlerless elk tag.....	500
Nonresident bighorn sheep tag.....	1,200
Nonresident mountain goat tag.....	1,200
Nonresident mountain lion tag.....	100

2. The amount of the fee for other resident or nonresident big game tags must not exceed the highest fee for a resident or nonresident big game tag established pursuant to this section.

3. The amount of the fee for a tag determined to be necessary by the Commission for other species pursuant to NRS 502.130 must not exceed the highest fee for a resident or nonresident tag established pursuant to this section.

4. A fee not to exceed \$10 may be charged for processing an application for a game species or permit other than an application for an elk. A fee of not less than \$5 but not more than \$15 must be charged for processing an application for an elk, \$5 of which must be deposited with the State Treasurer for credit to the Wildlife Obligated Reserve Account in the State General Fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this State.

5. The Commission may accept sealed bids for or may auction not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid or auction, not more than 18 percent of the total amount of money received from the bid or auction may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Any amount of money received from the bid or auction that is not so deposited must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund in accordance with the provisions of NRS 501.3575.

6. The Commission may by regulation establish an additional drawing for big game tags, which may be entitled the Partnership in Wildlife

Drawing. To reimburse the Department for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Except as otherwise provided by regulations adopted by the Commission pursuant to subsection 7, the money received by the Department from applicants in the drawing who are not awarded big game tags must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in accordance with the provisions of NRS 501.3575.

7. The Commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.

Sec. 30. NRS 502.326 is hereby amended to read as follows:

502.326 1. Except as otherwise provided in subsection 2, it is unlawful for any person to take or possess trout unless at the time he is fishing he carries on his person:

(a) An unexpired state trout stamp affixed to his fishing license and validated by his signature in ink across the face of the stamp; or

(b) Such documentation as the Department provides as proof that he has paid to the Department, for the licensing period that includes the time he is fishing, the same fee as that required pursuant to subsection 3 for the purchase of a state trout stamp for that period.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is under the age of 12; or

(b) Is fishing:

(1) Under the authority of a valid 1-day permit to fish or during a consecutive day validly added to that permit; ~~or~~

(2) ***Under the authority of a valid 1-day ~~family~~ group fishing permit;***
or

(3) In accordance with regulations adopted by the Commission pursuant to subparagraph (2) of paragraph (e) of subsection 1 of NRS 502.010.

3. State trout stamps must be sold for a fee of \$10 each by the Department and by persons authorized by the Department to sell hunting, fishing and trapping licenses.

4. The Department shall determine the form of the stamps.

Sec. 31. This act becomes effective on July 1, 2007.

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 596.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 392.

AN ACT relating to child support; revising certain provisions concerning the right of a physical custodian of a child to recover support for a child from the noncustodial parent in certain circumstances; requiring every court order for the support of a child to include a provision to provide coverage for the ~~health care~~ **medical support** of the child; requiring the Chief of the Program established to locate absent parents, establish paternity and obtain child support to charge and collect certain fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, when the parents of a child are separated, the physical custodian of the child may recover from the parent without physical custody of the child a reasonable portion of certain costs provided by the physical custodian. In the absence of a court order for support of the child, the parent who has physical custody of the child may not recover more than 4 years of support furnished before the bringing of the action. (NRS 125B.030) Section 1 of this bill revises this provision to authorize the physical custodian to recover such support in any situation in which the parents of the child do not reside together.

Section 2 of this bill revises provisions of existing law concerning orders for the support of a child to require that every court order for the support of a child issued or modified in this State on or after the effective date of this act must include a provision specifying that one or both of the parents are required to provide coverage for the ~~health care~~ **medical support** of the child. (NRS 125B.085)

Existing federal law requires the State to charge certain fees relating to the collection of child support through the Program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq. To comply with the federal law, section 3 of this bill requires the Chief of the Program to charge and collect **from the noncustodial parent of a child** a fee of up to \$25 each year in each case in which the State has collected more than \$500 and in which the person ~~who has physical custody of the child~~ **for whom the collection is made** has never received Temporary Assistance for Needy Families pursuant to Title IV of the Social Security Act. The fee must be retained from the support collected for the child which exceeds \$500. **The Chief may collect the fees from the noncustodial parent of a child in the same manner as the Chief collects support from the noncustodial parent.** The fees collected by the Chief must be deposited in the State Child Support Disbursement Fund for use in carrying out the Program.

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

Section 1. NRS 125B.030 is hereby amended to read as follows:

125B.030 Where the parents of a child ~~are separated,~~ **do not reside together,** the physical custodian of the child may recover from the parent

without physical custody a reasonable portion of the cost of care, support, education and maintenance provided by the physical custodian. In the absence of a court order ~~[-]~~ **for the support of a child**, the parent who has physical custody may recover not more than 4 years' support furnished before the bringing of the action ~~[-]~~ **to establish an obligation for the support of the child.**

Sec. 2. NRS 125B.085 is hereby amended to read as follows:

125B.085 1. Except as otherwise provided in NRS 125B.012, every court order for the support of a child issued or modified in this State on or after

~~{October 1, 1997,}~~ **the effective date of this act**, must include a provision specifying ~~{whether the parent required to pay support is}~~ **that one or both parents are** required to provide ~~{coverage}~~ **medical support** for ~~{the health care of}~~ the child and ~~[-, if so,]~~ any details relating to that requirement.

2. As used in this section, "medical support" means payment for any medical expenses or coverage for health care under a plan of insurance, including, without limitation, payment of any premium, copayment or deductible.

Sec. 3. Chapter 425 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chief shall ~~{retain}~~ collect from the noncustodial parent of a child an annual fee of up to \$25 in each case for which ~~{he}~~ the Chief provides services from any amount collected in the case during the year in excess of \$500, but only if the person ~~{who has physical custody of the child in the case}~~ for whom the collection is made is not and has never been a recipient of Temporary Assistance for Needy Families pursuant to Title IV of the Social Security Act , 42 [-] U.S.C. §§ 601 et seq.

2. The Chief may collect from the noncustodial parent of a child any fee pursuant to this section in the same manner as he collects support for the child from the noncustodial parent of the child.

3. Any fee collected pursuant to subsection 1 must be used to carry out the Program.

Sec. 4. NRS 425.382 is hereby amended to read as follows:

425.382 1. Except as otherwise provided in NRS 425.346, the Chief may proceed pursuant to NRS 425.3822 to 425.3852, inclusive, **and section 3 of this act**, after:

- (a) Payment of public assistance by the Division; or
- (b) Receipt of a request for services to carry out the Program.

2. Subject to approval by the district court, a master may:

(a) Take any action authorized pursuant to chapter 130 of NRS, including any of the actions described in subsection 2 of NRS 130.305.

(b) Except as otherwise provided in chapter 130 of NRS and NRS 425.346:

(1) Issue and enforce an order for the support of a dependent child, and modify or adjust such an order in accordance with NRS 125B.145;

- (2) Require coverage for health care of a dependent child;
- (3) Establish paternity;
- (4) Order a responsible parent to comply with an order for the support of a dependent child, specifying the amount and the manner of compliance;
- (5) Order the withholding of income;
- (6) Determine the amount of any arrearages and specify a method of payment;
- (7) Enforce orders by civil or criminal contempt, or both;
- (8) Set aside property for satisfaction of an order for the support of a dependent child;
- (9) Place liens and order execution on the property of the responsible parent;
- (10) Order a responsible parent to keep the master informed of his current residential address, telephone number, employer, address of employment and telephone number at the place of employment;
- (11) Issue a bench warrant for a responsible parent who has failed after proper notice to appear at a hearing ordered by the master and enter the bench warrant in any local and state computer system for criminal warrants;
- (12) Order the responsible parent to seek appropriate employment by specified methods;
- (13) Upon the request of the Division, require a responsible parent to:
 - (I) Pay any support owed in accordance with a plan approved by the Division; or
 - (II) Participate in such work activities, as that term is defined in 42 U.S.C. § 607(d), as the Division deems appropriate;
- (14) Award reasonable attorney's fees and other fees and costs; and
- (15) Grant any other available remedy.

Sec. 5. 1. This act becomes effective upon passage and approval.

2. Section 3 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 654 requiring each state to impose an annual fee of \$25 in the case of a person who has never received assistance pursuant to Title IV of the Social Security Act, 42 U.S.C. §§ 601 et seq., and for whom the State has collected \$500 or more of support are repealed by the Congress of the United States.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Joint Resolution No. 7.

Resolution read second time.

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

Amendment No. 185.

SUMMARY—Urges the Secretary of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in **Battle Mountain**, Minden and Stead. (BDR R-290)

ASSEMBLY JOINT RESOLUTION—Urging the Secretary of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in **Battle Mountain**, Minden and Stead.

WHEREAS, The United States Department of the Interior, through the Bureau of Land Management, has provided vital fire suppression services to the State of Nevada; and

WHEREAS, These services include air support for wildland fire suppression in northern Nevada through interagency airtanker base operations at the **Battle Mountain**, Minden-Tahoe and Reno Stead Airports; and

WHEREAS, The areas of service include the forests and watershed surrounding Lake Tahoe, one of the nation's premiere natural treasures, and the wildland urban interface along the Sierra Front in both Nevada and California; and

WHEREAS, In July 2006, Nevada ranked first in the nation in the amount of wildland acreage burned by wildfire in the United States; and

WHEREAS, The Federal Government owns and manages 87 percent of the land in Nevada; and

WHEREAS, The Bureau of Land Management has provided exemplary air support for fighting the wildland fires which have threatened Nevada's residents, private property, public lands and other valuable natural resources; and

WHEREAS, The Sierra Front has complex and challenging conditions that generate volatile and high-intensity wildland fires which are fought over rugged terrain, and airtankers are a critical component of the fight, being used primarily for initial attack and support; and

WHEREAS, Continued funding for the full operation of the interagency airtanker base programs in **Battle Mountain**, Minden and Stead with single-engine airtankers that can provide the quick response needed for early suppression of a wildland fire is critical; and

WHEREAS, The Secretary of the Interior has the authority to authorize the expenditure of money to provide full funding for the interagency airtanker base programs; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 74th Session of the Nevada Legislature hereby urge the Secretary of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in **Battle Mountain**, Minden and Stead; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of

Representatives, the Secretary of the Interior and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the General File.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 487 just reported out of committee, be placed on the Second Reading file.

Motion carried.

Assemblyman Ocegüera moved that upon return from the printer Assembly Bill No. 447 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that upon return from the printer Assembly Bill No. 510 be rereferred to the committee on Ways and Means.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 11:56 a.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Ocegüera moved that Assembly Bill No. 83 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 154 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 158 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 305 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 354 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that the motion whereby Assembly Bill No. 510 was to be rereferred to the Committee on Ways and Means upon return from the printer be rescinded.

Motion carried.

Assemblyman Ocegüera moved that upon return from the printer Assembly Bill No. 510 be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 103 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 470 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 144 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 266 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 584 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:02 p.m.

ASSEMBLY IN SESSION

At 12:06 p.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Anderson moved that Assembly Bill No. 107 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

In compliance with a notice given on a previous day, Assemblyman Anderson moved that the vote whereby Assembly Bill No. 248 was passed be reconsidered.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 248 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 266.

Bill read third time.

The following amendment was proposed by Assemblyman Atkinson:

Amendment No. 554.

AN ACT relating to motor vehicles; requiring the owner of a motor vehicle that has been declared a total loss to forward the endorsed certificate of title to the insurance company within 30 days after accepting a settlement; requiring the Department of Motor Vehicles to issue a salvage title or nonrepairable vehicle certificate to an insurance company for a salvage vehicle in the absence of an endorsed certificate of title under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that when an insurance company acquires a motor vehicle as a result of a settlement in which a motor vehicle has been declared a total loss, the owner of the motor vehicle must endorse and forward the certificate of title to the motor vehicle to the insurance company. The insurance company must then forward the endorsed certificate of title, together with an application for a salvage title to the Department of Motor Vehicles within 30 days after receipt of the endorsed certificate of title. (NRS 487.800) Section 2 of this bill requires the owner of the motor vehicle who is relinquishing ownership to forward the endorsed certificate of title to the insurance company within 30 days after accepting the settlement.

Existing law provides that if an endorsed certificate of title is not available, any applicant may apply to the Department for a salvage title. The Department may examine the circumstances and review affidavits or other information and, if satisfied the applicant is entitled to a salvage title, issue the salvage title. (NRS 487.820) Section 2 of this bill requires the Department to issue a salvage title or nonrepairable vehicle certificate to an insurance company if the insurance company submits an application, without an endorsed certificate of title, to the Department for a motor vehicle that has been declared a total loss together with certain documentation.

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

Section 1. NRS 487.480 is hereby amended to read as follows:

487.480 1. Before an operator of a salvage pool sells any vehicle subject to registration pursuant to the laws of this State, he must have in his possession the certificate of title for a vehicle obtained pursuant to subsection ~~{2}~~ 3 of NRS 487.800 or the salvage title for that vehicle. The Department

shall not issue a certificate of registration or certificate of title for a vehicle with the same identification number if the vehicle was manufactured in the 5 years preceding the date on which the salvage title was issued, unless the Department authorizes the restoration of the vehicle pursuant to subsection 2 of NRS 482.553.

2. Upon sale of the vehicle, the operator of the salvage pool shall provide a salvage title to the licensed automobile wrecker, dealer of new or used motor vehicles or rebuilder who purchased the vehicle.

Sec. 2. NRS 487.800 is hereby amended to read as follows:

487.800 1. ~~{Except with respect to a nonrepairable vehicle, when}~~ **When** an insurance company acquires a motor vehicle as a result of a settlement in which the motor vehicle is determined to be a salvage vehicle, the owner of the motor vehicle who is relinquishing ownership of the motor vehicle shall endorse the *certificate of title* of the motor vehicle and forward the endorsed *certificate of title* to the insurance company ~~{}~~ **within 30 days after accepting the settlement from the insurance company.** The insurance company or its authorized agent shall forward the endorsed *certificate of title*, together with an application for a salvage title **or nonrepairable vehicle certificate**, to the state agency within ~~{30}~~ **60** days after receipt of the endorsed *certificate of title*.

2. ***If the owner of the motor vehicle who is relinquishing ownership does not provide the endorsed certificate of title to the insurance company within 30 days after accepting the settlement pursuant to subsection 1, the insurance company shall, within 60 days after the expiration of that 30-day period, forward an application for a salvage title or nonrepairable vehicle certificate to the state agency. The state agency shall issue a salvage title or nonrepairable vehicle certificate to the insurance company for the vehicle upon receipt of:***

(a) ***The application;***

(b) ***A motor vehicle inspection certificate signed by a representative of the Department or, as one of the authorized agents of the Department, by a peace officer, dealer, rebuilder, automobile wrecker, operator of a salvage pool or garageman; ~~{and}~~***

(c) ***Documentation that the insurance company has made at least two written attempts by certified mail, return receipt requested, or by use of a delivery service with a tracking system, to obtain the endorsed certificate of title ~~{}~~; and***

(d) ***Proof satisfactory to the state agency that the certificate of title was required to be surrendered to the insurance company as part of the settlement.***

3. Except as otherwise provided in ~~{subsection 1,}~~ **subsections 1 and 2**, before any ownership interest in a salvage vehicle, except a nonrepairable vehicle, may be transferred, the owner or other person to whom the motor vehicle is titled:

(a) If the person has possession of the *certificate of* title to the vehicle, shall forward the endorsed *certificate of* title, together with an application for salvage title to the state agency within 30 days after the vehicle becomes a salvage vehicle.

(b) If the person does not have possession of the *certificate of* title to the vehicle and the *certificate of* title is held by a lienholder, shall notify the lienholder within 10 days after the vehicle becomes a salvage vehicle that the vehicle has become a salvage vehicle. The lienholder shall, within 30 days after receiving such notice, forward the *certificate of* title, together with an application for salvage title, to the state agency.

~~{3-}~~ 4. An insurance company or its authorized agent may sell a vehicle for which a total loss settlement has been made with the properly endorsed *certificate of* title if the total loss settlement resulted from the theft of the vehicle and the vehicle, when recovered, was not a salvage vehicle.

~~{4-}~~ 5. An owner who has determined that a vehicle is a total loss salvage vehicle may sell the vehicle with the properly endorsed *certificate of* title obtained pursuant to this section, without making any repairs to the vehicle, to a salvage pool, automobile auction, rebuilder, automobile wrecker or a new or used motor vehicle dealer.

~~{5-}~~ 6. Except with respect to a nonrepairable vehicle, if a salvage vehicle is rebuilt and restored to operation, the vehicle may not be licensed for operation, displayed or offered for sale, or the ownership thereof transferred, until there is submitted to the state agency with the prescribed salvage title, an appropriate application, other documents, including, without limitation, an affidavit from the state agency attesting to the inspection and verification of the vehicle identification number and the identification numbers, if any, for parts used to repair the motor vehicle and fees required, together with a certificate of inspection completed pursuant to NRS 487.860.

~~{6-}~~ 7. Except with respect to a nonrepairable vehicle, if a total loss insurance settlement between an insurance company and any person results in the retention of the salvage vehicle by that person, before the execution of the total loss settlement, the insurance company or its authorized agent shall:

(a) Obtain, upon an application for salvage title, the signature of the person who is retaining the salvage vehicle;

(b) Append to the application for salvage title the *certificate of* title to the motor vehicle or an affidavit stating that the original *certificate of* title has been lost; and

(c) Apply to the state agency for a salvage title on behalf of the person who is retaining the salvage vehicle.

~~{7-}~~ 8. If the state agency determines that a salvage vehicle retained pursuant to subsection ~~{5-}~~ 6 is titled in another state or territory of the United States, the state agency shall notify the appropriate authority of that state or territory that the owner has retained the salvage vehicle.

~~{8.}~~ 9. A person who retains a salvage vehicle pursuant to subsection ~~{6}~~ 7 may not transfer any ownership interest in the vehicle unless he has received a salvage title.

Sec. 3. NRS 487.820 is hereby amended to read as follows:

487.820 1. ~~{H}~~ *Except as otherwise provided in subsection 2 of NRS 487.800, if* the applicant for a salvage title is unable to furnish the certificates of title and registration last issued for the vehicle, the state agency may accept the application, examine the circumstances of the case and require the filing of suitable affidavits or other information or documents. If satisfied that the applicant is entitled to a salvage title, the state agency may issue the salvage title.

2. No duplicate certificate of title or registration may be issued when a salvage title is applied for, and no fees are required for the affidavits of any stolen, lost or damaged certificate, or duplicates thereof, unless the vehicle is subsequently registered.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 323.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 483.

AN ACT relating to witnesses; revising the amount paid to witnesses for mileage in traveling to and from a proceeding; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises the amount paid to a witness who attends a proceeding before a court or grand jury from 19 cents for each mile necessarily and actually traveled to and from his place of residence to the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax for each mile so traveled. (NRS 50.225)

This bill has a delayed effective date of July 1, 2008.

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

Section 1. NRS 50.225 is hereby amended to read as follows:

50.225 1. For attending the courts of this State in any criminal case, or civil suit or proceeding before a court of record, master, commissioner, justice of the peace, or before the grand jury, in obedience to a subpoena, each witness is entitled:

(a) To be paid a fee of \$25 for each day's attendance, including Sundays and holidays.

(b) Except as otherwise provided in this paragraph, to be paid for attending a court of the county in which he resides at the *standard mileage reimbursement* rate ~~[of 19 cents a mile]~~ **for which a deduction is allowed for the purposes of federal income tax** for each mile necessarily and actually traveled from and returning to the place of residence by the shortest and most practical route. A board of county commissioners may provide that, for each mile so traveled to attend a court of the county in which he resides, each witness is entitled to be paid an amount equal to the allowance for travel by private conveyance provided for state officers and employees generally pursuant to subsection 3 of NRS 281.160. If the board so provides, each witness at any other hearing or proceeding held in that county who is entitled to receive the payment for mileage specified in this paragraph must be paid mileage in an amount equal to the allowance for travel by private conveyance provided for state officers and employees generally pursuant to subsection 3 of NRS 281.160.

2. In addition to the fee and payment for mileage specified in subsection 1, a board of county commissioners may provide that, for each day of attendance in a court of the county in which he resides, each witness is entitled to be paid a per diem allowance in an amount equal to the per diem allowance provided for state officers and employees generally while away from the office and within this State pursuant to subsection 1 of NRS 281.160. If the board so provides, each witness at any other hearing or proceeding held in that county who is a resident of that county and who is entitled to receive the fee specified in paragraph (a) of subsection 1 ~~[-]~~ must be paid, in addition to that fee, a per diem allowance in an amount equal to the per diem allowance provided in this subsection.

3. If a witness is from without the county ~~[-]~~ or, being a resident of another state, voluntarily appears as a witness at the request of the Attorney General or the district attorney and the board of county commissioners of the county in which the court is held, he is entitled to reimbursement for the actual and necessary expenses for going to and returning from the place where the court is held. He is also entitled to receive the same allowances for subsistence and lodging as are provided for state officers and employees generally.

4. Any person in attendance at a trial who is sworn as a witness is entitled to the fees, the per diem allowance, if any, travel expenses and any other reimbursement set forth in this section, irrespective of the service of a subpoena.

5. Witness fees, per diem allowances, travel expenses and other reimbursement in civil cases must be taxed as disbursement costs against the defeated party upon proof by affidavit that they have been actually incurred. Costs must not be allowed for more than two witnesses to the same fact or series of facts, and a party plaintiff or defendant must not be allowed any fees, per diem allowance, travel expenses or other reimbursement for attendance as a witness in his own behalf.

6. A person is not obligated to appear in a civil action or proceeding unless he has been paid an amount equal to 1 day's fees, the per diem allowance provided by the board pursuant to subsection 2, if any, and the travel expenses reimbursable pursuant to this section.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. This act becomes effective on July 1, 2008.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 6.

Bill read third time.

Remarks by Assemblymen Hardy, Conklin, and Kirkpatrick.

Roll call on Assembly Bill No. 6:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 6 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 49.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 49:

YEAS—40.

NAYS—Mabey.

EXCUSED—Womack.

Assembly Bill No. 49 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 57.

Bill read third time.

Remarks by Assemblymen Manendo, Carpenter, Anderson, and Madam Speaker.

Assemblyman Grady requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CARPENTER:

I rise in strong support of Assembly Bill 57, but I really do not know what it is about. My colleague from District 18 assured me that my horses could use the crosswalk, and I think every horse needs a crosswalk, especially those that come in from Dayton, Virginia City, and north Reno. When they come into town, they need to be able to use that crosswalk. I guess what we need to figure out is if it is going to be easier to teach the horses or the kids to use the crosswalk and also whether the cars are going to stop first for the kids or the horses. This crosswalk going across here to the parking lot—I do not want to put my horse in there because he is probably not going to make it. I think they should rename this one over here either the Carson Speedway or Suicide Alley because you can hardly get across there.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Is this a filibuster Mr. Carpenter?

ASSEMBLYMAN CARPENTER:

Madam Speaker, in the committee I think it was a unanimous vote that I should help my friend from District 18 paint his crosswalks, so I searched all over Elko and I did find a gallon of the finest crosswalk paint in town.

Madam Speaker, the police thought this was going to blow up every day because it has been here for quite a while. They asked me, "What are you going to do with this paint?" I could not tell them because I did not want to give away a secret, and you know there are not many secrets kept in this house so I did not tell anybody what it was for.

I would like to present this paint to my friend. Thank you, Madam Speaker. Now I forgot where I was, but I think my friend is going to have to get a special dispensation from the Secretary of State to accept this gift, and when he puts it on his gift claim report, it will probably be the only time in history that someone has received a gallon of paint for a gift.

Madam Speaker, if this bill does not pass, I want my paint back, and also, Madam Speaker, I got the littlest brush I could find because if my friend has to take a long time painting the crosswalks, it will give him less time to think about those mobile home bills.

ASSEMBLYMAN MANENDO:

Thank you, Mr. Carpenter.

ASSEMBLYMAN ANDERSON:

In light of the stirring presentation from our colleague from Elko County, I was wondering if the chief sponsor of the bill was then planning on designating all such crosswalks as Carpenter-walks.

Roll call on Assembly Bill No. 57:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 63.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 63:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 63 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 77.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 77:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 77 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:29 p.m.

ASSEMBLY IN SESSION

At 12:39 p.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 91.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 91:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 91 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 94.

Bill read third time.

Remarks by Assemblymen Pierce, Carpenter, Leslie, and Bobzien.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN PIERCE:

Assembly Bill 94 eliminates the prohibition against the admission of a person as a party to an administrative proceeding in a contested case that involves the granting, denial, or renewal of a license if the person does not have a direct financial interest in the license.

It is very important that we pass Assembly Bill 94 in order to right a wrong that we legislated last session. Sometimes, no matter how careful we are, the legislation we pass has unintended consequences. This is one of those cases. Last session's action in passing Senate Bill 428 unintentionally removed the rights of citizens and public interest groups to challenge agency's decisions in the cases of contested licenses and permits unless they could prove they had a financial stake in the license or permit. This means that many individuals, environmental groups, and other concerned public interest groups cannot currently be a party in a contested case for the licenses and permits issued by most state executive agencies. The committee wants to make clear the legislative intent for this measure.

During our deliberations, we decided that any cases that are currently in the process of being contested in Nevada should be reexamined. This would allow the people who have filed suit to be given standing in the process if they were excluded due to this provision in the *Nevada Revised Statutes*. The Nevada Division of Environmental Protection has assured us they are willing to reopen the deliberations for the contested cases they are currently working on.

Passing this measure will also ensure that the federal Environmental Protection Agency does not take control over the administration of federal programs in our state, which they may do if we do not correct this law. In order for the state to maintain responsibility for federal

environmental programs, the state must provide opportunities for public participation, which the law in its current form impedes. On behalf of the Assembly Committee on Government Affairs, I urge your support for this measure in order to allow citizens full participation in administrative procedure and in order to correct what we unintentionally changed last session.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker. I rise in support of A.B. 94. I believe I was the only one in the Assembly to vote against this measure last session. Certainly, I could see the wrong that it was going to do at that time. By righting it, I think we are putting it back where it should be. In reality, there are some times out there when we cowboys and miners don't want people speaking in favor of something we think is not proper. I think in those situations that we must have a better message than they do. Everyone needs to have their say. I now support A.B. 94 and will vote yes rather than no.

ASSEMBLYWOMAN LESLIE:

Thank you, Madam Speaker. Just to add a few more words to my colleagues. I think it is important to remember transparency means openness, communication, and accountability. The current statute goes against these basic tenets, which I think all of us in this body hold dear. We need a transparent democracy. We all value open and transparent government and the right for the public to participate in that government. The *First Amendment* to the *Constitution* in the United States proclaims that every American has the right to petition the government for a redress of grievances. This bill will ensure that right in Nevada. Your support of A.B. 94 will give back a seat at the table to our citizens and public interest organizations. It will let everyone be heard. I urge your support.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker, I, too, rise in support of A.B. 94. Just to echo the comments made by my colleagues previously, voting for this bill is a vote for fairness and openness, and I urge your support.

Roll call on Assembly Bill No. 94:

YEAS—40.

NAYS—None.

NOT VOTING—Goedhart.

EXCUSED—Womack.

Assembly Bill No. 94 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103.

Bill read third time.

Roll call on Assembly Bill No. 103:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 103 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 118.

Bill read third time.

Remarks by Assemblymen Denis, Goicoechea, Anderson, Atkinson, and Koivisto.

Roll call on Assembly Bill No. 118:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 118 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 120:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 120 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 194.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 194:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 194 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 218.

Bill read third time.

Remarks by Assemblyman Hogan.

Roll call on Assembly Bill No. 218:

YEAS—30.

NAYS—Allen, Beers, Carpenter, Christensen, Cobb, Gansert, Goedhart, Hardy, Mabey, Marvel, Stewart—11.

EXCUSED—Womack.

Assembly Bill No. 218 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 233.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 233:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 233 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 236.

Bill read third time.

The following amendment was proposed by Assemblyman Mabey:

Amendment No. 558.

ASSEMBLYMEN **SETTELMAYER**, MABEY, ALLEN, GANSERT, [~~SETTELMAYER~~], COBB, BEERS, CARPENTER, CHRISTENSEN, GOEDHART, GOICOECHEA, GRADY, HARDY, MARVEL, STEWART AND WEBER; JOINT SPONSORS: SENATORS WASHINGTON, HARDY, TOWNSEND, AMODEI, BEERS, CEGAVSKE, HECK, MCGINNESS, NOLAN, RAGGIO AND RHOADS

AN ACT relating to taxation; allowing the Department of Taxation to refrain from taking any action to collect unpaid sales and use taxes due from a person if the cost of that action would exceed the total amount due; revising the provisions governing the reporting and payment period for those taxes and the maximum amount which may be required as security for the payment of those taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition and administration of sales and use taxes pursuant to the Sales and Use Tax Act and the Local School Support Tax Law. (Chapters 372 and 374 of NRS) Section 1 of this bill authorizes the Department of Taxation to refrain from taking any action to collect any unpaid sales or use taxes due from a person if the cost of that action would exceed the total amount due, including any applicable interest and penalties.

Existing law provides for the filing of sales and use tax returns on a quarterly basis from taxpayers whose taxable sales do not exceed \$10,000 per month. (NRS 372.380, 374.385) Sections 2 and 4 of this bill allow such a taxpayer to file those returns on an annual basis if the taxpayer had no taxes due for the previous 3 calendar quarters or if the taxable sales did not exceed \$1,500 for the previous 4 calendar quarters.

Existing law prescribes the maximum amount of security for the payment of sales and use taxes which the Department of Taxation may require from taxpayers who file tax returns for quarterly periods or for monthly periods. (NRS 372.510, 374.515) Sections 3 and 5 of this bill prescribe a proportionate maximum amount of security which may be required from taxpayers who are allowed to file tax returns on an annual basis.

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:

1. Except as otherwise provided in this section or directed by the Nevada Tax Commission and notwithstanding any other provision of law, the Department is not required to take any action for the collection of any unpaid sales or use taxes for which a person may be liable if the Department determines that the cost of taking that action would exceed the total accumulated amount of all the unpaid sales and use taxes, and any applicable interest and penalties, for which that person is liable.

2. The Nevada Tax Commission shall annually determine the average cost of collecting sales and use taxes in this State which must be used by the Department in making any determination pursuant to subsection 1.

3. This section does not:

(a) Affect the liability of any person for the payment of any taxes, interest or penalties; or

(b) Authorize the Department to refrain from taking any action for the collection of any unpaid sales or use taxes from a person when the Department determines that the cost of taking that action would be less than or equal to the total accumulated amount of all the unpaid sales and use taxes, and any applicable interest and penalties, for which that person is liable.

Sec. 2. NRS 372.380 is hereby amended to read as follows:

372.380 1. Except as otherwise provided in ~~subsection 2~~ *this section* or required by the Department pursuant to NRS 360B.200, the reporting and payment period of ~~the~~ :

(a) A taxpayer whose taxable sales do not exceed \$10,000 per month is a calendar quarter.

(b) A taxpayer who files reports on a quarterly basis in accordance with paragraph (a) and:

(1) From whom no tax is due pursuant to this chapter for the immediately preceding three quarterly reporting periods; or

(2) Whose taxable sales do not exceed a total amount of \$1,500 for the immediately preceding four quarterly reporting periods,

is 12 calendar months, unless the taxable sales of the taxpayer exceed a total amount of \$1,500 for such a 12-month reporting and payment period or \$10,000 for a calendar month.

2. The Department, if it deems this action necessary ~~in order to insure~~ *to ensure* payment to or facilitate the collection by the State of the amount of taxes, may require returns and payment of the amount of taxes for periods other than calendar months or quarters, depending upon the principal place of business of the seller, retailer or purchaser, as the case may be, or for other than monthly, ~~or~~ quarterly *or annual* periods.

Sec. 3. NRS 372.510 is hereby amended to read as follows:

372.510 1. The Department, whenever it deems it necessary to insure compliance with this chapter, may require any person subject to the chapter to place with it such security as the Department may determine. The Department shall fix the amount of the security which, except as *otherwise* provided in subsection 2, may not be greater than twice the estimated average tax due quarterly of persons filing returns for quarterly periods, ~~two~~ three times the estimated average tax due monthly of persons filing returns for monthly periods ~~two~~ **or four times the estimated average tax due annually of persons filing returns for annual periods**, determined in such a manner as the Department deems proper.

2. In the case of persons who are habitually delinquent in their obligations under this chapter, the amount of the security may not be greater than three times the average actual tax due quarterly of persons filing returns for quarterly periods, ~~two~~ five times the average actual tax due monthly of persons filing returns for monthly periods ~~two~~ **or seven times the average actual tax due annually of persons filing returns for annual periods**.

3. The limitations provided in this section apply regardless of the type of security placed with the Department.

4. The amount of the security may be increased or decreased by the Department subject to the limitations provided in this section.

5. The Department may sell the security at public auction if it becomes necessary to recover any tax or any amount required to be collected, *or* interest or penalty due. Notice of the sale may be served upon the person who placed the security personally or by mail. ~~two~~ **If the notice is served** by mail, service must be made in the manner prescribed for service of a notice of a deficiency determination and must be addressed to the person at his address as it appears in the records of the Department. Security in the form of a bearer bond issued by the United States or the State of Nevada which has a prevailing market price may be sold by the Department at a private sale at a price not lower than the prevailing market price.

6. Upon any sale any surplus above the amounts due must be returned to the person who placed the security.

Sec. 4. NRS 374.385 is hereby amended to read as follows:

374.385 1. Except as otherwise provided in ~~subsection 2~~ **this section** or required by the Department pursuant to NRS 360B.200, the reporting and payment period of ~~two~~ :

(a) A taxpayer whose taxable sales do not exceed \$10,000 per month is a calendar quarter.

(b) **A taxpayer who files reports on a quarterly basis in accordance with paragraph (a) and:**

(1) **From whom no tax is due pursuant to this chapter for the immediately preceding three quarterly reporting periods; or**

(2) **Whose taxable sales do not exceed a total amount of \$1,500 for the immediately preceding four quarterly reporting periods,**

↪ *is 12 calendar months, unless the taxable sales of the taxpayer exceed a total amount of \$1,500 for such a 12-month reporting and payment period or \$10,000 for a calendar month.*

2. The Department, if it deems this action necessary ~~[in order to insure]~~ **to ensure** payment to or facilitate the collection by the county of the amount of taxes, may require returns and payment of the amount of taxes for periods other than calendar months or quarters, depending upon the principal place of business of the seller, retailer or purchaser as the case may be, or for other than monthly, ~~[or]~~ quarterly **or annual** periods.

Sec. 5. NRS 374.515 is hereby amended to read as follows:

374.515 1. The Department, whenever it deems it necessary to insure compliance with this chapter, may require any person subject to the chapter to place with it such security as the Department may determine. ~~The Department shall fix the amount of the security [must be fixed by the Department but,]~~ **which**, except as **otherwise** provided in subsection 2, may not be greater than twice the estimated average tax due quarterly of persons filing returns for quarterly periods, ~~[or]~~ three times the estimated average tax due monthly of persons filing returns for monthly periods ~~[]~~ **or four times the estimated average tax due annually of persons filing returns for annual periods**, determined in such a manner as the Department deems proper.

2. In case of persons habitually delinquent in their obligations under this chapter, the amount of the security ~~[must]~~ **may** not be greater than three times the average actual tax due quarterly of persons filing returns for quarterly periods, ~~[or]~~ five times the average actual tax due monthly of persons filing returns for monthly periods ~~[]~~ **or seven times the average actual tax due annually of persons filing returns for annual periods.**

3. The limitations provided in this section apply regardless of the type of security placed with the Department.

4. The amount of the security may be increased or decreased by the Department subject to the limitations in this section.

5. The Department may sell the security at public auction if it becomes necessary to recover any tax or any amount required to be collected, **or** interest or penalty due. Notice of the sale may be served upon the person who placed the security personally or by mail. ~~[; #]~~ **If the notice is served** by mail, service must be made in the manner prescribed for service of a notice of a deficiency determination and must be addressed to the person at his address as it appears in the records of the Department. Security in the form of a bearer bond issued by the United States or the State of Nevada which has a prevailing market price may be sold by the Department at a private sale at a price not lower than the prevailing market price.

6. Upon any sale any surplus above the amounts due must be returned to the person who placed the security.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblyman Mabey moved the adoption of the amendment.

Remarks by Assemblyman Mabey.

Amendment adopted.

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

Assembly Bill No. 253.

Bill read third time.

Remarks by Assemblyman Goedhart.

Roll call on Assembly Bill No. 253:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 253 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 258.

Bill read third time.

Remarks by Assemblymen Carpenter and Horne.

Roll call on Assembly Bill No. 258:

YEAS—40.

NAYS—Anderson.

EXCUSED—Womack.

Assembly Bill No. 258 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 261:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 261 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 296.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Assembly Bill No. 296:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 296 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 313.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 313:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 313 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 344.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 344:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 344 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 385.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Assembly Bill No. 385:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 385 having received a two-thirds majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 386.

Bill read third time.

Remarks by Assemblymen Mabey and Carpenter.

Roll call on Assembly Bill No. 386:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 386 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 391.

Bill read third time.

Remarks by Assemblyman Munford.

Roll call on Assembly Bill No. 391:

YEAS—40.

NAYS—Anderson.

EXCUSED—Womack.

Assembly Bill No. 391 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 406.

Bill read third time.

Roll call on Assembly Bill No. 406:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 406 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418.

Bill read third time.

Remarks by Assemblyman Munford.

Roll call on Assembly Bill No. 418:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 418 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 463.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 463:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 463 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 470.

Bill read third time.

Remarks by Assemblymen Pierce, Carpenter, and Segerblom.

Roll call on Assembly Bill No. 470:

YEAS—34.

NAYS—Beers, Christensen, Cobb, Gansert, Goedhart, Settlemeyer, Weber—7.

EXCUSED—Womack.

Assembly Bill No. 470 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 489.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 489:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 489 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 498.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Assembly Bill No. 498:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 498 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 516.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Assembly Bill No. 516:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 516 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 519.

Bill read third time.

The following amendment was proposed by Assemblyman Cobb:

Amendment No. 548.

“AN ACT relating to judicial records; prohibiting a district court from sealing a judicial public record except in certain circumstances; and providing other matters properly relating thereto.”

Legislative Counsel’s Digest:

This bill prohibits a district court from sealing a judicial public record unless a preponderance of the evidence indicates the existence of **one of** certain factors. According to this bill, before a district court seals a judicial

public record, the district court must hold a hearing, provide notice of the hearing to the parties and the public, and allow both the parties and the public to present evidence and written briefs at the hearing.

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

Section 1. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided by specific statute, a district court may seal a judicial public record only if a preponderance of the evidence indicates that:

(a) Sealing the judicial public record does not have the purpose or effect of concealing a public hazard or information concerning a public hazard;

(b) Sealing the judicial public record furthers a public interest;

(c) Dissemination of the information contained in the judicial public record will create a serious and imminent danger to the public interest;

(d) There is no other reasonable method of avoiding any prejudicial effect created by dissemination of the information;

(e) There is a substantial probability that sealing the judicial public record will be effective in protecting the public interest against the perceived danger; ~~and~~ or

(f) It is reasonably necessary for the judicial public record to remain sealed for a period of time.

2. Before a district court may seal a judicial public record, the court must hold a hearing at a date and time established by the court. The court shall send a notice of the hearing by certified mail, return receipt requested, to each party and shall post notice of the hearing at a place in the courthouse that is designated for the posting of notices.

3. At the hearing, the district court shall allow the parties and members of the public to present evidence and submit written briefs.

4. Any judicial public record that is sealed pursuant to this section must be unsealed at the earliest possible time after the circumstances necessitating the sealing no longer exist.

5. As used in this section:

(a) "Information concerning a public hazard" means any information concerning a public hazard that may be useful to members of the public in protecting themselves from substantial bodily harm or death which may result from the public hazard.

(b) "Judicial public record" means any writing, paper, report, study, map, photograph, book, card, tape recording or other material which is created, received, retained, maintained or filed by or with a district court and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data or any other material, regardless of form or characteristics. The term does not include information:

(1) Declared confidential by other law of this State.

(2) Required to be kept confidential by federal law.

(3) Containing a trade secret. As used in this subparagraph, "trade secret" has the meaning ascribed to it in NRS 600A.030.

(4) Containing confidential financial information obtained, upon request, from a person and which is not information that is filed with or received by a district court pursuant to other law of this State.

(5) Concerning research conducted under the auspices of an institution of higher education, including, without limitation:

(I) Information concerning any negotiations made with respect to the research; and

(II) Information received from another party involved in the research.

(6) Containing grade transcripts and license examination scores obtained as part of a licensure process.

(7) Containing medical records.

(8) Containing a photograph, video recording or audio recording of an autopsy.

(9) Containing a social security number.

(c) "Public hazard" means any instrumentality, device, procedure, product or condition of any instrumentality, device, procedure or product that has caused or is likely to cause substantial bodily harm or death.

Assemblyman Cobb moved the adoption of the amendment.

Remarks by Assemblymen Cobb and Anderson.

Amendment lost.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 519:

YEAS—39.

NAYS—Beers, Marvel—2.

EXCUSED—Womack.

Assembly Bill No. 519 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 520.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 520:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 520 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 533.

Bill read third time.

Roll call on Assembly Bill No. 533:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 533 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 558.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Assembly Bill No. 558:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 558 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 559.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 559:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 559 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 487.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 495.

SUMMARY—Exempts certain professional **minor league** baseball events from the state tax on live entertainment. (BDR 32-1361)

AN ACT relating to taxation; exempting certain professional **minor league** baseball events from the state tax on live entertainment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition of a state excise tax on admission to facilities where live entertainment is provided. (NRS 368A.200) Section 1 of this bill provides an exemption from that tax for professional **minor league** baseball events conducted at a stadium.

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

Section 1. NRS 368A.200 is hereby amended to read as follows:

368A.200 1. Except as otherwise provided in this section, there is hereby imposed an excise tax on admission to any facility in this State where live entertainment is provided. If the live entertainment is provided at a facility with a maximum occupancy of:

(a) Less than 7,500 persons, the rate of the tax is 10 percent of the admission charge to the facility plus 10 percent of any amounts paid for food, refreshments and merchandise purchased at the facility.

(b) At least 7,500 persons, the rate of the tax is 5 percent of the admission charge to the facility.

2. Amounts paid for:

(a) Admission charges collected and retained by a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or by a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS, are not taxable pursuant to this section.

(b) Gratuities directly or indirectly remitted to persons employed at a facility where live entertainment is provided or for service charges, including those imposed in connection with the use of credit cards or debit cards, which are collected and retained by persons other than the taxpayer are not taxable pursuant to this section.

3. A business entity that collects any amount that is taxable pursuant to subsection 1 is liable for the tax imposed, but is entitled to collect reimbursement from any person paying that amount.

4. Any ticket for live entertainment must state whether the tax imposed by this section is included in the price of the ticket. If the ticket does not include such a statement, the taxpayer shall pay the tax based on the face amount of the ticket.

5. The tax imposed by subsection 1 does not apply to:

(a) Live entertainment that this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Live entertainment that is provided by or entirely for the benefit of a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS.

(c) Any boxing contest or exhibition governed by the provisions of chapter 467 of NRS.

(d) Live entertainment that is not provided at a licensed gaming establishment if the facility in which the live entertainment is provided has a maximum occupancy of less than 200 persons.

(e) Live entertainment that is provided at a licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, if the facility in which the live entertainment is provided has a maximum occupancy of less than 200 persons.

(f) Merchandise sold outside the facility in which the live entertainment is provided, unless the purchase of the merchandise entitles the purchaser to admission to the entertainment.

(g) Live entertainment that is provided at a trade show.

(h) Music performed by musicians who move constantly through the audience if no other form of live entertainment is afforded to the patrons.

(i) Live entertainment that is provided at a licensed gaming establishment at private meetings or dinners attended by members of a particular organization or by a casual assemblage if the purpose of the event is not primarily for entertainment.

(j) Live entertainment that is provided in the common area of a shopping mall, unless the entertainment is provided in a facility located within the mall.

(k) Food and product demonstrations provided at a shopping mall, a craft show or an establishment that sells grocery products, housewares, hardware or other supplies for the home.

(l) Live entertainment that is incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction. For the purposes of this paragraph, live entertainment shall be deemed to be incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction if the live entertainment is:

(1) Not the predominant element of the attraction; and

(2) Not the primary purpose for which the public rides, attends or otherwise participates in the attraction.

(m) Live entertainment that is provided to the public in an outdoor area, without any requirements for the payment of an admission charge or the purchase of any food, refreshments or merchandise.

(n) An outdoor concert, unless the concert is provided on the premises of a licensed gaming establishment.

(o) Beginning July 1, 2007, race events scheduled at a race track in this State as a part of the National Association for Stock Car Auto Racing Nextel Cup Series, or its successor racing series, and all races associated therewith.

(p) ***Beginning July 1, 2007, a baseball contest, event or exhibition conducted by professional ~~athletes~~ minor league baseball players at a stadium in this State.***

(q) Live entertainment provided in a restaurant which is incidental to any other activities conducted in the restaurant or which only serves as ambience so long as there is no charge to the patrons for that entertainment.

6. The Commission may adopt regulations establishing a procedure whereby a taxpayer that is a licensed gaming establishment may request an exemption from the tax pursuant to paragraph ~~((p))~~ (q) of subsection 5. The regulations must require the taxpayer to seek an administrative ruling from the Chairman of the Board, provide a procedure for appealing that ruling to

the Commission and further describe the forms of incidental or ambient entertainment exempted pursuant to that paragraph.

7. As used in this section, “maximum occupancy” means, in the following order of priority:

(a) The maximum occupancy of the facility in which live entertainment is provided, as determined by the State Fire Marshal or the local governmental agency that has the authority to determine the maximum occupancy of the facility;

(b) If such a maximum occupancy has not been determined, the maximum occupancy of the facility designated in any permit required to be obtained in order to provide the live entertainment; or

(c) If such a permit does not designate the maximum occupancy of the facility, the actual seating capacity of the facility in which the live entertainment is provided.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 555.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Charlie Fettig.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Sylwia Hutniczak and Fernanda Ucha-Caetano.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Kaycean Buma, Drew Stephenson, Christian Enad, Calvin Ruyak, Davis Onesian, Warren Edward Trepp, Christopher Miller, Ian McClintock, Sahajpreet Singh, Keegan Stover, Meghan Aspittle, Nicholas Parino, Alexandra Sasse, River Creger, Kristina Ierace, Colton DiLoreto-Long, Allison Thornton and Annette Friedlander.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from St. Teresa Catholic School: Rose Alauria, Emma Beauchamp, Patrick Beauchamp, Elizabeth Bennett, Angelo Calabrese, Elizabeth Cates, Kaitlin Cates, Shelby Cates, Mia Cavilla, Kayse Childers, Leah DiMambro, Jaskarit Dhami, Rebecca Doyle, Jerrod Evans, Jeremy Froland, Emma Garcia, Kelsey

Hamilton, Karla Hendrickson, Brennan Hogan, Emily Hogan, Avalon Hope, Samuel Hughes, Scott Johnson, Chase Keller, Kristen Klein, Mitchell Miles, Odile Reid, Jack Robertson, Sommer Rollenhagen, Nathan Rough, Cody Schmidlin, April Shonnard, Sadie Sproull, Jacob Taylor, Kailey Taylor, Jady Tolda, Kristen Torvinen, Connor Van Dyck, Jesse Weathers, Griffin Wilcher; teacher Mary Alice Murdock; chaperones Lisa Hollenback, John Sullivan, Tina Schilling, Corena Doyle, Ana Belle Hendrickson, Abby Carroll, Mike Klein, Mary Robertson, Pam Alauria, and Sukhdip Dhami; the following students from Bordewich Bray Elementary School: Julian Alvarado, Alison Barrette, Grace Brooks, Caleb Burton, Samantha Byassee, Charcris Chotisin, Shelby Darney, Louis Evans, Jacob Fenzke, Adrian Gutierrez Flores, Charles Hersey, Makayla Horrocks, Jacob Hurin, Luz Jimenez, Andrew Lu, Cassidy Martin, Daniel Martinez, Rocio Mascareno Roque, Robbin Porter, Joseph Prater, Britzel Ramos, Eric Reymus Jr., Abraham Roque Reyes, Makayla Smith, Andrew St. George, Kyle Steele, Joseph West, Adrianna White, Rita Wilkie, Reid Williamson, Manuel Ocegueda, Mike Palomo, Rafael Diez, Jose Alvarado Lopez, Jesus Bravo, Kyle Bryan, Swayzee Elefante, Derek Encinas, Kenneth Frank, Diana Gurrola, Patrick Hayden, Jonathan Hernandez, Angelo Jimenez, James Kiernan, Connor Leahy, Emely Lopez, Rayden Mann, Melanie McGruder, Reagan McLaughlin, Paulina Morelund, Caitlin Murray, Austin Ostler, Brett Paulson, Madison Preston, Logan Reynolds, Brianna Rotter, Brandon Ruf, Maggie Rupert, Ruben Sanchez, Daniel Sepulveda, Kaylee Wahler, Justin Whitehead, Shelby Wood, Diamon Wilson, Brittany Owens, Garrett Turner, Vilma Avalos Ortiz, Carson Barnett, Kalee Beer Van Meter, Meichelea Cantrell, Cristian Casillas, Melissa Castillo, Sarah Christl, Michael Corder, Acsa Cordoba Lopez, Hannah Dickinson, Saa Monyeh Dixon, Sara Eckert, Michael Ferrigno, Zachary Foore, Tristan Fox, Sarai Garcia, Sabian Harting, Bethany Kniffen, Sabrina Lathrop, Elizabeth Lavelle, Megan Lynch, Jessica March, Jason Peck, Austin Portch, Nolan Shine, Lindsey Smith, Nadia Tung, Nathan Will, Drew Winebarger, Elijah Wright, Lucas Wright, Alyssa McKenzie, Hector Soto, Raven Miller, Jeromey Leonardo; teachers Konnie McGruder, Jackie Gereats-Rauh, Jorja Longero, Sharon Meier, and Corazon Rough; teacher aides Janet Ingram, Brenda Grigsby, and Sherry Ravenelle; chaperones Alicia Williamson, Renee Steele, Mike Barrette, Eve Ocegueda, Rene McGruder, Nancy Paulson, Vicki Preston, Cecilia Tung, Debbie Eckert, Joan Freedland, and Martha Soto.

Assemblyman Ocegueda moved that the Assembly adjourn until Thursday, April 19, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 1:49 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly