

THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), June 2, 2007

Assembly called to order at 11 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Bruce Henderson.

Lord, it's Saturday and even You took this day to rest. We would like to be with family and friends, picnicking, visiting, or playing. May we but put those things on hold until we finish the work that You and the people of Nevada have given us to do. We pray in the Name of the One who promises us rest, some day.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Ocegüera 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 Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 573, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 55, 250, 251, 252, 462, 463, 467, 468, 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA, June 1, 2007

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER BUCKLEY:

I have received and reviewed Assembly Concurrent Resolution No. 34. This concurrent resolution states,

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, that the Governor of the State of Nevada is hereby respectfully requested to return Assembly Bill No. 483 of this session to the Assembly for further consideration.

By and through this letter, I respectfully return Assembly Bill No. 483 to the Legislative Body of the State of Nevada for further consideration.

Sincerely,
JIM GIBBONS
Governor

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA , May 31, 2007

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701

RE: RETURN OF VETOED BILL

DEAR SPEAKER BUCKLEY:

I am returning Assembly Bill 230 of the 74th Session of the Nevada Legislature accompanied by my letter of objection.

Sincerely,
JIM GIBBONS
Governor

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that vetoed Assembly Bills No. 230 of the 74th Session be made a Special Order of Business for Saturday, June 2, 2007, at 4:30 p.m.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 197, 200, 203, 204, 206, 271, 272, 539, 584, 615, 618, 626, 627.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 510, Amendment No. 1087; Assembly Bill No. 594, Amendment No. 1071; Assembly Bill No. 621, Amendment No. 1083, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 34.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 148.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 123.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 191, 547.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 854 to Senate Bill No. 498.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, Hardy and Schneider as a first Conference Committee concerning Senate Bill No. 18.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Heck, Schneider and Townsend as a first Conference Committee concerning Senate Bill No. 412.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Washington and Mathews as a first Conference Committee concerning Senate Bill No. 487.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Wiener and Heck as a first Conference Committee concerning Senate Bill No. 536.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 352.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Bobzien, Parnell, and Goicoechea as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 285.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 123.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 191.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 547.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 38.

Bill read third time.

Roll call on Senate Bill No. 38:

YEAS—42.

NAYS—None.

Senate Bill No. 38 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 55.

Bill read third time.

Roll call on Senate Bill No. 55:

YEAS—42.

NAYS—None.

Senate Bill No. 55 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 250.

Bill read third time.

Roll call on Senate Bill No. 250:

YEAS—42.

NAYS—None.

Senate Bill No. 250 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 251.

Bill read third time.

Roll call on Senate Bill No. 251:

YEAS—42.

NAYS—None.

Senate Bill No. 251 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 252.

Bill read third time.

Roll call on Senate Bill No. 252:

YEAS—42.

NAYS—None.

Senate Bill No. 252 having received a constitutional majority,
Madam Speaker declared it passed.

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 11:38 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that all rules be suspended and that all
bills and resolutions passed or adopted be immediately transmitted to the
Senate for this legislative day.

Motion carried.

Assemblyman Ocegüera moved that the action whereby Assembly Bill No. 483 was passed be rescinded.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 483 be rereferred to the Committee on Judiciary.

Motion carried.

Assemblyman Ocegüera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:49 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.

Madam Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 462.

Bill read third time.

Roll call on Senate Bill No. 462:

YEAS—42.

NAYS—None.

Senate Bill No. 462 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 463.

Bill read third time.

Roll call on Senate Bill No. 463:

YEAS—42.

NAYS—None.

Senate Bill No. 463 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 467.

Bill read third time.

Roll call on Senate Bill No. 467:

YEAS—42.

NAYS—None.

Senate Bill No. 467 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 468.

Bill read third time.

Roll call on Senate Bill No. 468:

YEAS—42.

NAYS—None.

Senate Bill No. 468 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 555.

Bill read third time.

Roll call on Senate Bill No. 555:

YEAS—42.

NAYS—None.

Senate Bill No. 555 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 573.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 573:

YEAS—42.

NAYS—None.

Senate Bill No. 573 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 462.

The following Senate amendment was read:

Amendment No. 808.

AN ACT relating to real property; excepting certain sales or leases of real property by governmental entities from requirements that the entities conduct appraisals of the real property before the sale or lease of the real property and that the entities sell or lease the real property by auction; authorizing a governmental entity to hold a public hearing in lieu of having a second appraisal conducted before the sale or lease of real property; requiring persons requesting to purchase real property from governmental entities by auction to deposit a certain amount of money to pay the costs incurred by the entity in acting upon the application; providing that a political subdivision may convey real property to the State without charge under certain circumstances; **revising provisions governing certain rentals or leases at county airports**; making various other changes relating to the sale and lease of real property by governmental entities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Land Registrar, the board of county commissioners of each county, and the governing body of each incorporated city to obtain two independent appraisals of any real property when selling or leasing the property and to sell or lease the property upon sealed bids followed by oral offers. (NRS 244.2795, 244.281, 244.283, 268.059, 268.062, 321.007, 321.335) Sections 1, 3, 4, 6 and 7 of this bill amend that requirement to require that the State Land Registrar, each board of county commissioners and each city governing body, when selling or leasing real property: (1) obtain two independent appraisals of the property; or (2) obtain one independent appraisal of the property and hold a public hearing on the matter of the fair market value of the property. Sections 1-4 and 6-8 of this bill except property sold or leased to a public utility for a public purpose and property sold or leased to the State or another governmental entity from the requirement for an appraisal and to be sold or leased upon sealed bids followed by oral offers. Sections 1 and 2 of this bill except property leased pursuant to a contract entered into pursuant to chapter 333 of NRS from those requirements.

Existing law provides for the board of county commissioners of each county and the governing body of each incorporated city to sell real property by auction. (NRS 244.282, 268.062) Sections 5 and 8 of this bill require a person requesting to purchase real property from a county or city by auction to deposit with the board of commissioners or governing body an amount of money sufficient to pay the costs of the board of commissioners or governing body in acting upon the request.

Existing law authorizes the State to lease state land to certain nonprofit organizations or educational institutions for a reduced charge. (NRS 322.065) Sections 2.5 and 5.5 of this bill provide similar authority to the boards of county commissioners of counties and to the governing bodies of cities.

Existing law provides that a political subdivision may convey real property to another political subdivision or an Indian tribe without charge if the property is to be used for a public purpose. (NRS 277.053) Section 9.3 of this bill provides that a political subdivision may also convey real property to the State or an agency of the State without charge if the property is to be used for a public purpose.

Under existing law, the sale or lease of any portion of the property of a municipal airport is required to be made by public auction. (NRS 496.080) Section 9.7 of this bill provides that, in a county whose population is less than 50,000 (currently counties other than Clark and Washoe Counties, and Carson City), leases of property at a county airport are not subject to requirements relating to appraisal and public auction. **Section 10 of this bill exempts a board of county commissioners of a county whose population is 50,000 or more (currently Clark and Washoe Counties and Carson City) from the requirement of conducting a public auction for the rental or lease of space for the parking or storage of aircraft at an airport**

owned by the county but requires that such a rental or lease be made for fair market value, as determined by an independent appraisal.

Sections 1, 3, 4 and 6-9 of this bill provide additionally that if land or real property is sold or leased in violation of the provisions thereof, the sale or lease is void and any change to an ordinance or law governing the zoning or use of that land or real property is void if the change occurs within the 5-year period after the void sale or lease.

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

Section 1. NRS 321.007 is hereby amended to read as follows:

321.007 1. Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, except as otherwise required by federal law , *except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS* and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) ~~Obtain~~ *Except as otherwise provided in this paragraph, obtain* two independent appraisals of the land before selling or leasing it. *If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it.* The *appraisal or* appraisals , *as applicable*, must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the *one independent appraiser or* two independent appraisers , *as applicable*, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesman when offering such a property for lease.

6. If land is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 2. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.125, 321.510, 322.063, 322.065 or 322.075, except as otherwise required by federal law , ***except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS*** and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, he may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall ~~cause it to be appraised by competent appraisers selected pursuant to~~ ***comply with the provisions of NRS 321.007.***

4. After ~~receipt of the report of the appraisers,~~ ***complying with the provisions of NRS 321.007,*** the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as he deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a

newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

- (a) A description of the land to be sold or leased;
- (b) A statement of the terms of sale or lease;
- (c) A statement that the land will be sold pursuant to subsection 6; and
- (d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if he deems the bid or offer to be:

- (a) Contrary to the public interest.
- (b) For a lesser amount than is reasonable for the land involved.
- (c) On lands which it may be more beneficial for the State to reserve.
- (d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting

upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must, *as applicable* obtain a new appraisal *or new appraisals* of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.

Sec. 2.5. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners of a county may lease real property to a nonprofit organization that:

(a) Is recognized as exempt under section 501(c)(3) of the Internal Revenue Code;

(b) Is affiliated by contract or other written agreement with the county; and

(c) Provides to residents of the county or to other persons a service that the county would otherwise be required to expend money to provide, ↪ under such terms and for such consideration as the board determines reasonable based upon the costs and benefits to the county and the recommendation of any county officers who may be involved in approving the lease.

2. To lease real property pursuant to this section, the board of county commissioners must approve the lease and establish the recommended amount of rent to be received for the real property. The board shall render a decision on an application to lease real property pursuant to this section within 60 days after it receives the application.

3. In determining the amount of rent for the lease of real property pursuant to this section, consideration must be given to:

(a) The amount the lessee is able to pay;

(b) Whether the real property will be used by the lessee to perform a service of value to members of the general public;

(c) Whether the service to be performed on the real property will be of assistance to any agency of the county; and

(d) The expenses, if any, that the county is likely to incur to lease real property pursuant to this section in comparison to other potential uses of the real property.

4. The board of county commissioners may waive any fee for the consideration of an application submitted pursuant to this section.

Sec. 3. NRS 244.2795 is hereby amended to read as follows:

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2825, 244.284, 244.287, 244.290, ~~section 2.5 of this act and~~, NRS 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, ***except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity*** and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) ~~Obtain~~ ***Except as otherwise provided in this paragraph, obtain*** two independent appraisals of the real property before selling or leasing it. ***If the board of county commissioners holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it.*** The appraisal or appraisals, ***as applicable,*** must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the ***one independent appraiser or*** two independent appraisers, ***as applicable,*** from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if the appraiser or a

person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 4. NRS 244.281 is hereby amended to read as follows:

244.281 Except as otherwise provided in this section and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.284, 244.287, 244.290, **section 2.5 of this act ~~and~~, NRS 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080,** except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, **except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose** and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

1. When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(a) Sell the property in the manner prescribed for the sale of real property in NRS 244.282.

(b) Lease the property in the manner prescribed for the lease of real property in NRS 244.283.

2. Before the board of county commissioners may sell or lease any real property as provided in subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the county; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➔ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. ~~##~~ ***Except as otherwise provided in this subsection, if*** the board of county commissioners by its resolution further finds that the property to be sold or leased is worth more than \$1,000, the board shall appoint two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the property . ~~[and, except]~~ ***If the board of county commissioners holds a public hearing on the matter of the fair market value of the property, one disinterested, competent appraisal of the property is sufficient before selling or leasing it. Except*** for property acquired pursuant to NRS 371.047, ***the board of county commissioners*** shall not sell or lease it for less than the highest appraised value.

4. If the property is appraised at \$1,000 or more, the board of county commissioners may:

(a) Lease the property; or

(b) Sell the property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

5. A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(a) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that:

(1) The real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease; and

(2) The sale will be in the best interest of the county.

(b) ~~[Another]~~ ***The State or another*** governmental entity if:

(1) The sale or lease restricts the use of the real property to a public use; and

(2) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

6. A board of county commissioners that disposes of real property pursuant to subsection 4 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the board of county commissioners must obtain a new appraisal of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

8. ***If real property is sold or leased in violation of the provisions of this section:***

(a) ***The sale or lease is void; and***

(b) ***Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.***

9. As used in this section, “flood control facility” has the meaning ascribed to it in NRS 244.276.

Sec. 5. NRS 244.282 is hereby amended to read as follows:

244.282 1. Except as otherwise provided in NRS 244.279, before ordering the sale at auction of any real property the board shall, in open meeting by a majority vote of the members, adopt a resolution declaring its intention to sell the property at auction. The resolution must:

(a) Describe the property proposed to be sold in such a manner as to identify it.

(b) Specify the minimum price and the terms upon which it will be sold.

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the board to be held at its regular place of meeting, at which sealed bids will be received and considered.

2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that

is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold at auction in such a manner as to identify it;

(2) The minimum price of the real property proposed to be sold at auction; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

↪ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. At the time and place fixed in the resolution for the meeting of the board, all sealed bids which have been received must, in public session, be opened, examined and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.

4. Before accepting any written bid, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

5. The final acceptance by the board may be made either at the same session or at any adjourned session of the same meeting held within the 10 days next following.

6. The board may, either at the same session or at any adjourned session of the same meeting held within the 10 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale.

7. Any resolution of acceptance of any bid made by the board must authorize and direct the chairman to execute a deed and to deliver it upon performance and compliance by the purchaser with all the terms or conditions of his contract which are to be performed concurrently therewith.

8. All money received from sales of real property must be deposited forthwith with the county treasurer to be credited to the county general fund.

9. *The board may require any person requesting that real property be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the board in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the*

application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

10. If real property is sold in violation of the provisions of this section:

(a) The sale is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale.

Sec. 5.5. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body may lease real property to a nonprofit organization that:

(a) Is recognized as exempt under section 501(c)(3) of the Internal Revenue Code;

(b) Is affiliated by contract or other written agreement with the city; and

(c) Provides to residents of the city or to other persons a service that the city would otherwise be required to expend money to provide,

↪ under such terms and for such consideration as the governing body determines reasonable based upon the costs and benefits to the city and the recommendation of any city officers who may be involved in approving the lease.

2. To lease real property pursuant to this section, the governing body must approve the lease and establish the recommended amount of rent to be received for the real property. The governing body shall render a decision on an application to lease real property pursuant to this section within 60 days after it receives the application.

3. In determining the amount of rent for the lease of real property pursuant to this section, consideration must be given to:

(a) The amount the lessee is able to pay;

(b) Whether the real property will be used by the lessee to perform a service of value to members of the general public;

(c) Whether the service to be performed on the real property will be of assistance to any agency of the city; and

(d) The expenses, if any, that the city is likely to incur to lease real property pursuant to this section in comparison to other potential uses of the real property.

4. The governing body may waive any fee for the consideration of an application submitted pursuant to this section.

Sec. 6. NRS 268.059 is hereby amended to read as follows:

268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, *section 5.5 of this act* and NRS 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for

a lease of residential property with a term of 1 year or less , *except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity* and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:

(a) ~~{Obtain}~~ *Except as otherwise provided in this paragraph, obtain* two independent appraisals of the real property before selling or leasing it. *If the governing body holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it.* The *appraisal or* appraisals , *as applicable,* must be based on the zoning of the real property as set forth in the master plan for the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

(b) Select the *one independent appraiser or* two independent appraisers , *as applicable,* from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

5. *If real property is sold or leased in violation of the provisions of this section:*

(a) *The sale or lease is void; and*

(b) *Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.*

Sec. 7. NRS 268.061 is hereby amended to read as follows:

268.061 Except as otherwise provided in this section and NRS 268.063, 268.048 to 268.058, inclusive, *section 5.5 of this act* and NRS 278.479 to

278.4965, inclusive, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, ***except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose*** and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

1. If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.

2. Before the governing body may sell or lease any real property as provided in subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the city; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➔ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. If the governing body by its resolution finds additionally that the real property to be sold is worth more than \$1,000, the ~~board~~ ***governing body*** shall, ***as applicable***, conduct an appraisal ***or appraisals*** pursuant to NRS 268.059 to determine the value of the real property. ~~and, except~~ ***Except*** for real property acquired pursuant to NRS 371.047, ***the governing body*** shall not sell or lease it for less than the highest appraised value.

4. If the real property is appraised at \$1,000 or more, the governing body may:

(a) Lease the real property; or

(b) Sell the real property for:

(1) Cash; or

(2) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.

5. A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:

(a) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that:

(1) The real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; and

(2) The sale or lease will be in the best interest of the city.

(b) ~~Another~~ ***The State or another*** governmental entity if:

(1) The sale or lease restricts the use of the real property to a public use; and

(2) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

6. A governing body that disposes of real property pursuant to subsection 5 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of NRS 268.059 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

8. ***If real property is sold or leased in violation of the provisions of this section:***

(a) ***The sale or lease is void; and***

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 8. NRS 268.062 is hereby amended to read as follows:

268.062 1. Except as otherwise provided in this section and NRS 268.063, 268.048 to 268.058, inclusive, ***section 5.5 of this act*** ~~and~~, ***NRS 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080,*** except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, ***except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose*** and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution declaring its intention to sell or lease the property at auction. The resolution must:

(a) Describe the property proposed to be sold or leased in such a manner as to identify it;

(b) Specify the minimum price and the terms upon which the property will be sold or leased; and

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.

2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased at auction in such a manner as to identify it;

(2) The minimum price of the real property proposed to be sold or leased at auction; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➔ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified

newspaper printed in the State of Nevada and having a general circulation within that county.

3. At the time and place fixed in the resolution for the meeting of the ~~board,~~ **governing body**, all sealed bids which have been received must, in public session, be opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.

4. Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy or lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

5. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.

6. The governing body may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.

7. Any resolution of acceptance of any bid made by the governing body must authorize and direct the chairman to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of his contract which are to be performed concurrently therewith.

8. *The governing body may require any person requesting that real property be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the governing body in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.*

9. *If real property is sold or leased in violation of the provisions of this section:*

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 9. NRS 268.063 is hereby amended to read as follows:

268.063 1. A governing body may sell, lease or otherwise dispose of real property for the purposes of redevelopment or economic development:

- (a) Without first offering the real property to the public; and
- (b) For less than fair market value of the real property.

2. Before a governing body may sell, lease or otherwise dispose of real property pursuant to this section, the governing body must:

(a) ~~Obtain~~ **As applicable, obtain** an appraisal **or appraisals** of the property pursuant to NRS 268.059; and

(b) Adopt a resolution finding that it is in the best interests of the public to sell, lease or otherwise dispose of the property:

- (1) Without offering the property to the public; and
- (2) For less than fair market value of the real property.

3. ***If real property is sold, leased or otherwise disposed of in violation of the provisions of this section:***

(a) ***The sale, lease or other disposal is void; and***

(b) ***Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale, lease or other disposal.***

4. As used in this section:

(a) "Economic development" means:

(1) The establishment of new commercial enterprises or facilities within the city;

(2) The support, retention or expansion of existing commercial enterprises or facilities within the city;

(3) The establishment, retention or expansion of public, quasi-public or other facilities or operations within the city;

(4) The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities; or

(5) Any combination of the activities described in subparagraphs (1) to (4), inclusive,

↳ to create and retain opportunities for employment for the residents of the city.

(b) "Redevelopment" has the meaning ascribed to it in NRS 279.408.

Sec. 9.3. NRS 277.053 is hereby amended to read as follows:

277.053 A governing body of a political subdivision may convey real property to ***the State, any agency of the State***, another political subdivision or an Indian tribe without charge if the property is to be used for a public purpose.

Sec. 9.5. NRS 371.047 is hereby amended to read as follows:

371.047 1. A county may use the proceeds of the tax imposed pursuant to NRS 371.045, or of bonds, notes or other obligations incurred to which the proceeds of those taxes are pledged to finance a project related to the construction of a highway with limited access, to:

(a) Purchase residential real property which shares a boundary with a highway with limited access or a project related to the construction of a highway with limited access, and which is adversely affected by the

highway. Not more than 1 percent of the proceeds of the tax or of any bonds to which the proceeds of the tax are pledged may be used for this purpose.

(b) Pay for the cost of moving persons whose primary residences are condemned for a right-of-way for a highway with limited access and who qualify for such payments. The board of county commissioners shall, by ordinance, establish the qualifications for receiving payments for the cost of moving pursuant to this paragraph.

2. A county may, in accordance with NRS 244.265 to 244.296, inclusive, **and section 2.5 of this act**, dispose of any residential real property purchased pursuant to this section, and may reserve and except easements, rights or interests related thereto, including, but not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

3. Proceeds from the sale or lease of residential real property acquired pursuant to this section must be used for the purposes set forth in this section and in NRS 371.045.

4. For the purposes of this section, residential real property is adversely affected by a highway with limited access if the construction or proposed use of the highway:

(a) Constitutes a taking of all or any part of the property, or interest therein;

(b) Lowers the value of the property; or

(c) Constitutes a nuisance.

5. As used in this section:

(a) "Highway with limited access" means a divided highway for through traffic with full control of access and with grade separations at intersections.

(b) "Primary residence" means a dwelling, whether owned or rented by the occupant, which is the sole principal place of residence of that occupant.

(c) "Residential real property" means a lot or parcel of not more than 1.5 acres upon which a single-family or multifamily dwelling is located.

Sec. 9.7. NRS 495.040 is hereby amended to read as follows:

495.040 1. The boards of county commissioners of the respective counties of this state may lease real and personal property of their county for use and occupancy as airports, airport facilities or airport service, to whom and upon such conditions and terms as they deem proper, for a term or terms not exceeding 99 years.

2. Before entering into any agreement for the lease of property as set forth in subsection 1, the board of county commissioners shall publish notice of its intention in a newspaper of general circulation published within the county at least once a week for 21 days or three times during a period of 10 days. If there is not a newspaper of general circulation within the county, the board shall post a notice of its intention in a public place at least once a week

for 30 days. The notice must specify that a regular meeting is to be held, at which meeting any interested person may appear. No such lease or agreement may be entered into by the board until after the notice has been given and a meeting held as provided in this subsection.

3. *The provisions of NRS 244.281 and 496.080 do not apply to any lease entered into pursuant to this section by a board of county commissioners in a county whose population is less than 50,000.*

Sec. 10. NRS 496.080 is hereby amended to read as follows:

496.080 1. Except as otherwise provided in subsection 2 or as may be limited by the terms and conditions of any grant, loan or agreement pursuant to NRS 496.180, every municipality may, by sale, lease or otherwise, dispose of any airport, air navigation facility, or other property, or portion thereof or interest therein, acquired pursuant to this chapter.

2. The disposal by sale, lease or otherwise must be:

(a) ~~Made~~ ***Except as otherwise provided in subsection 3, made*** by public auction; and

(b) In accordance with the laws of this State, or provisions of the charter of the municipality, governing the disposition of other property of the municipality, except that in the case of disposal to another municipality or agency of the State or Federal Government for aeronautical purposes incident thereto, the sale, lease or other disposal may be effected in such manner and upon such terms as the governing body of the municipality may deem in the best interest of the municipality, and except as otherwise provided in subsections 3, 4 and 5 of NRS 496.090.

3. *A board of county commissioners of a county whose population is 50,000 or more may rent or lease to a person, or renew the rental or lease to a person of, a space for the parking or storage of aircraft, including, without limitation, a hangar, on the grounds of a municipal airport that is owned or operated by the county without conducting a public auction and at a price at least equal to the fair market rental or lease value of the space based on an independent appraisal conducted within 6 months before the rental or lease.*

~~Sec. 10.~~ **Sec. 11.** This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 462.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 352, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment Nos. 676 and 750 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 5, which is attached to and hereby made a part of this report.

RUBEN KIHUEN
HARVEY MUNFORD
LYNN STEWART

Assembly Conference Committee

STEVEN HORSFORD
WARREN HARDY
DINA TITUS

Senate Conference Committee

Conference Amendment No. CA5.

AN ACT relating to economic development; requiring the Southern Nevada Enterprise Community Advisory Board to develop a project to make certain improvements to infrastructure in and near the Community; extending the temporary tax incentive for locating or expanding businesses that are or will become grocery stores within the Community; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the Southern Nevada Enterprise Community Infrastructure Improvement Act and requires the Southern Nevada Enterprise Community Advisory Board to develop a project to make certain improvements to infrastructure in and near the Southern Nevada Enterprise Community. This bill also extends the temporary tax incentive for locating or expanding businesses that are or will become grocery stores within the Southern Nevada Enterprise Community. (Chapter 198, Statutes of Nevada 2005, p. 639)

WHEREAS, On December 21, 1994, President William Jefferson Clinton designated nine census tracts in the urban core of the Las Vegas Valley as an "enterprise community"; and

WHEREAS, The designation was accompanied by an award of \$2,950,000 in Title XX funds to be used for projects in the enterprise community; and

WHEREAS, The Southern Nevada Enterprise Community so created includes the target areas of West Las Vegas, East Las Vegas, Meadows Village and North Las Vegas; and

WHEREAS, The Southern Nevada Enterprise Community involves a partnership among the cities of Las Vegas and North Las Vegas, and Clark County, working together to harness resources from the public, private and nonprofit sectors to provide programs, services and facilities to the target areas; and

WHEREAS, The empowerment of persons and neighborhoods within the Southern Nevada Enterprise Community includes "weed and seed" strategies to "weed" out violence, gangs, drug trafficking and drug-related crime, and to "seed" neighborhoods with social services and economic revitalization; and

WHEREAS, Efforts to revitalize neighborhoods economically, to be successful, require a certain minimum level of "infrastructure" in the form of the basic facilities, services and installations needed for the proper functioning of a community; now, therefore,

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

Section 1. This act may be cited as the Southern Nevada Enterprise Community Infrastructure Improvement Act.

Sec. 2. As used in sections 1 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. "Advisory Board" means the Southern Nevada Enterprise Community Advisory Board created pursuant to section 8 of this act.

Sec. 4. (Deleted by amendment.)

Sec. 5. "Community" means the Southern Nevada Enterprise Community, nine census tracts designated by President William Jefferson Clinton on December 21, 1994.

Sec. 6. "Infrastructure" means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, libraries, community centers, police and fire protection, sanitary sewers, facilities for mass transit and facilities for the conveyance of water and the treatment of wastewater.

Sec. 7. "Project" means the Southern Nevada Enterprise Community Improvement Project developed pursuant to section 11 of this act.

Sec. 8. 1. The Southern Nevada Enterprise Community Advisory Board is hereby created.

2. The Advisory Board consists of nine members, appointed in consultation with residents of the Community, as follows:

(a) One member of the Nevada Congressional Delegation selected from among its membership or his designee;

(b) One member of the Nevada Legislature who represents the Community; ~~for his designee;~~

(c) One member of the Clark County Board of County Commissioners selected from among its membership or his designee;

(d) One member of the Las Vegas City Council from among its membership or his designee;

(e) One member of the North Las Vegas City Council from among its membership or his designee;

(f) Two residents of the Community, recommended and selected jointly by the Clark County Board of County Commissioners, the Las Vegas City Council and the North Las Vegas City Council;

(g) A representative of the private sector appointed by the Chamber of Commerce established in the Community; and

(h) A representative of the nonprofit charitable, educational and religious organizations in the Community, recommended and selected jointly by the Clark County Board of County Commissioners, the Las Vegas City Council and the North Las Vegas City Council.

3. Each member of the Advisory Board serves for a term of 3 years. A vacancy on the Advisory Board must be filled in the same manner as the original appointment. A member may be reappointed to the Advisory Board.

4. The members of the Advisory Board shall elect a Chairman and Vice Chairman by majority vote. After the initial election, the Chairman and Vice Chairman shall hold office for a term of 1 year beginning on August 1 of each year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Advisory Board shall elect a Chairman or Vice Chairman, as appropriate, from among its members for the remainder of the unexpired term.

5. The City of North Las Vegas shall provide administrative support for the Advisory Board.

Sec. 9. The primary purposes of the Advisory Board are to:

1. Advise the governmental entities that have members on the Advisory Board with respect to the Project; and

2. Ensure that the needs and opinions of the residents of the Community are reflected adequately by the Project.

Sec. 10. (Deleted by amendment.)

Sec. 11. 1. On or before January 31, 2008, the Advisory Board shall prepare a written plan to carry out the Project to address the needs and issues of the Community.

2. The Advisory Board shall, within 120 days after preparing the written plan:

(a) Hold at least two public hearings on the written plan, each of which must be preceded by at least 30 days' notice within the Community; and

(b) Approve or reject the written plan based on input from the Community received at the public hearings.

3. A written plan adopted by the Advisory Board must:

(a) Set forth an adequate framework for carrying out the Project;

(b) Set forth a reasonable period in which to accomplish the goals of the Project; and

(c) Incorporate each of the required elements of the Project, as set forth in section 12 of this act.

4. If the Advisory Board rejects the written plan, the Advisory Board shall:

(a) Provide to the appropriate officers of the governmental entities that have members on the Advisory Board a written explanation of its reasons for the rejection; and

(b) Prepare a revised written plan and repeat the notice and hearings required by subsection 2 before approving or rejecting the revised written plan.

Sec. 12. The Project must include, without limitation, goals, objectives and policies relating to, and feasible timeframes for achieving:

1. The construction, repair and refurbishment of streets, buildings and other facilities as necessary to attract and maintain the viability of successful businesses within the Community;

2. The incorporation within the Community of open space, facilities for recreation, facilities for medical care and other measures as necessary to ensure that the Community develops with mixed uses;

3. The eradication of brownfields, the rehabilitation of condemned properties and the removal of structures and facilities that create a disincentive for development; and

4. The identification of sources of money to carry out the Project.

Sec. 13. The Advisory Board may accept any gifts, grants or donations for the purpose of preparing, developing and carrying out the Project.

Sec. 14. On or before February 1, 2009, the Advisory Board shall submit to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature a report that summarizes the activities of the Advisory Board during the period between the effective date of this act and December 31, 2008.

Sec. 15. 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. 16. Section 6 of chapter 198, Statutes of Nevada 2005, at page 643, is hereby amended to read as follows:

Sec. 6. 1. A person who intends to locate a grocery store within the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 during Fiscal Year 2004-2005, ~~for~~ 2005-2006, **2006-2007, 2007-2008 or 2008-2009** may submit a request to the governing body of the county, city or town in which the grocery store would operate for endorsement of an application by the person to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Commission. The Commission shall approve the application if the Commission makes the following determinations:

(a) The applicant has executed an agreement with the Commission which states that the grocery store will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(1) Commence operation and continue in operation in the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 for a period specified by the Commission, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

↳ The agreement must bind successors in interest of the grocery store for the specified period.

(b) The grocery store is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the grocery store will operate.

(c) The applicant invested or commits to invest a minimum of \$500,000 in capital.

4. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the grocery store will be located.

5. The Commission on Economic Development may adopt such regulations as the Commission determines to be necessary or advisable to carry out the provisions of this section.

6. An applicant for an abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

7. As used in this section:

(a) "Grocery store" means a business selling at retail groceries, including, without limitation, food for human consumption, articles used in the preparation of food, household supplies, dairy products, meat and produce, and having more than 10,000 square feet of floor space available to the public.

(b) "Selling at retail" has the meaning ascribed to it in NRS 372.050.

Sec. 17. Section 7 of chapter 198, Statutes of Nevada 2005, at page 644, is hereby amended to read as follows:

Sec. 7. 1. A person who intends to expand a grocery store or expand a business to become a grocery store within the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 during Fiscal Year 2004-2005 , ~~for~~ 2005-2006 , **2006-2007, 2007-2008 or 2008-2009** may submit a request to the governing body of the county, city or town in which the business operates for endorsement of an application by the person to the Commission on Economic Development for a partial abatement of the taxes

imposed on capital equipment pursuant to chapter 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Commission. The Commission shall approve the application if the Commission makes the following determinations:

(a) The applicant has executed an agreement with the Commission which states that the grocery store will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(1) Continue in operation in the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 for a period specified by the Commission, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

↪ The agreement must bind successors in interest of the grocery store for the specified period.

(b) The grocery store is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the grocery store operates.

(c) The applicant invested or commits to invest a minimum of \$250,000 in capital equipment.

4. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. The Commission on Economic Development may adopt such regulations as the Commission determines to be necessary or advisable to carry out the provisions of this section.

6. An applicant for an abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

7. As used in this section:

(a) "Grocery store" means a business selling at retail groceries, including, without limitation, food for human consumption, articles used in the

preparation of food, household supplies, dairy products, meat and produce, and having more than 10,000 square feet of floor space available to the public.

(b) "Selling at retail" has the meaning ascribed to it in NRS 372.050.

Sec. 18. Section 8 of chapter 198, Statutes of Nevada 2005, at page 646, is hereby amended to read as follows:

Sec. 8. During the Fiscal Years ~~[2005-2006 and]~~ 2006-2007, **2007-2008 and 2008-2009**, the Commission on Economic Development shall, until the Commission has granted \$1,000,000 in partial abatements pursuant to sections 2, 3, 6 and 7 of this act, give priority to and expedite the processing of applications received by the Commission pursuant to section 6 or 7 of this act.

Sec. 19. This act becomes effective upon passage and approval.

Assemblyman Kihuen moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 352.

Remarks by Assemblyman Kihuen.

Motion carried by a constitutional majority.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Kirkpatrick moved that the Assembly do not recede from its actions on Senate Bill No. 516, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Atkinson, Munford and Settlemeyer as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 516.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 13, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 843 of the Senate be concurred in.

DEBBIE SMITH
DAVID BOBZIEN
T. GRADY

Assembly Conference Committee

JOSEPH HECK
MIKE MCGINNESS
MAGGIE CARLTON

Senate Conference Committee

Assemblywoman Smith moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 13.

Remarks by Assemblyman Smith.

Motion carried by a constitutional majority.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its actions on Senate Bill No. 354, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblyman Anderson, Kirkpatrick, and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 354.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 508.

The following Senate amendment was read:

Amendment No. 999.

AN ACT relating to the Advisory Commission on Sentencing; **changing the name of the Commission**; revising the membership and duties of the Commission; authorizing the Commission to issue subpoenas; requiring the Commission to hold meetings at least once every 3 months; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Section 1 of this bill authorizes the Advisory Commission on Sentencing or a member acting on behalf of the Commission to issue subpoenas to compel the attendance of witnesses and the production of books, records, documents and other papers and testimony.~~

Section 2 of this bill **changes the name of the Advisory Commission on Sentencing to the Advisory Commission on the Administration of Justice and** adds: (1) a sitting or retired justice of the Nevada Supreme Court; (2) a representative of an organization that advocates on behalf of inmates; (3) a representative of the Nevada Sheriffs' and Chiefs' Association to the Commission; and (4) a member of the State Board of Parole Commissioners and removes the member appointed by the Nevada Association of Counties. Section 2 also removes the Attorney General as the Chairman of the Commission. Instead, members are required to elect a Chairman at the first meeting of each odd-numbered year. The Commission is further required to meet at least quarterly.

Section 1 of this bill authorizes the Commission to issue subpoenas to compel the attendance of witnesses and the production of books, records, documents and other papers and testimony.

Section 3 of this bill revises the duties of the ~~Advisory~~ Commission ~~for~~ ~~Sentencing~~ by requiring the Commission to evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners and to consider whether it is feasible and advisable to

establish an oversight or advisory board to perform various functions. Section 3 also requires the Commission to evaluate the effectiveness of specialty court programs in this State and to evaluate the policies and practices concerning presentence investigations and reports of the Division of Parole and Probation of the Department of Public Safety. **Section 3 also requires the Commission to evaluate, review and comment upon issues relating to juvenile justice.**

Section 4 of this bill makes an appropriation to the ~~[Advisory]~~ Commission ~~[on Sentencing]~~ to enter into a contract with a consultant to assist the Commission in carrying out its duties.

Section 5 of this bill provides that incumbent members of the Commission may serve out the remainder of their respective terms. Section 5 requires that new positions and vacancies in the Commission be filled in a designated manner. Section 5 also mandates that the Commission meet and elect a Chairman by July 31, 2007.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To carry out its powers and duties pursuant to this section NRS 176.0121 to 176.0129, inclusive, ~~and~~ the Commission, or any member thereof acting on behalf of the Commission with a concurrence of a majority of the members of the Commission, may issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other papers and testimony.

2. If any person fails to comply with a subpoena issued by the Commission or any member thereof pursuant to this section within 20 days after the date of service of the subpoena, the Commission may petition the district court for an order of the court compelling compliance with the subpoena.

3. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 20 days after the date of service of the order, and show cause why he has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

4. If it appears to the court that the subpoena was regularly issued by the Commission or a member thereof pursuant to this section, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person shall be dealt with as for contempt of court.

Sec. 1.5. NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, “Commission” means the Advisory Commission on ~~{Sentencing}~~ **the Administration of Justice.**

Sec. 2. NRS 176.0123 is hereby amended to read as follows:

176.0123 1. The Advisory Commission on ~~{Sentencing}~~ **the Administration of Justice** is hereby created. The Commission consists of:

(a) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(b) ***One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;***

(c) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

~~{(e)}~~ (d) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

~~{(d)}~~ (e) One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

~~{(e)}~~ (f) One member who is a representative of a law enforcement agency, appointed by the Governor;

~~{(f)}~~ (g) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

~~{(g)}~~ (h) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

~~{(h)}~~ (i) ***One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;***

(j) One member who is a ~~{county commissioner,}~~ ***representative of the Nevada Sheriffs’ and Chiefs’ Association,*** appointed by ~~{the governing body of}~~ the Nevada ***Sheriffs’ and Chiefs’ Association ;*** ~~{of Counties;}~~

~~{(i)}~~ (k) ***One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;***

(l) The Director of the Department of Corrections;

~~{(j)}~~ (m) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

~~{(k)}~~ (n) Two members who are Assemblymen, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

➤ If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association’s successor in interest or, if there is no successor in interest, by the Governor.

2. The Attorney General is an ex officio voting member of the Commission . ~~{and shall serve as the Chairman of the Commission.}~~

3. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment ~~{ }~~ **not later than 30 days after the vacancy occurs.**

4. The Legislators who are members of the Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Commission.

~~5. *The members appointed pursuant to paragraphs (a) to (k), inclusive, of subsection 1 must be appointed not later than 60 days after the appointment of the Legislators who are appointed pursuant to paragraphs (m) and (n) of subsection 1.*~~

~~6. *At the first regular meeting of each odd-numbered year, the members of the Commission shall elect a Chairman by majority vote who shall serve until the next Chairman is elected.*~~

~~7. *6. The Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chairman.*~~

~~8. *7. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.*~~

~~9. *8. While engaged in the business of the Commission, to the extent of legislative appropriation, each member of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*~~

~~6. ~~10.~~ *9. To the extent of legislative appropriation, the Attorney General shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.*~~

Sec. 3. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, ***sentencing recommendations***, mandatory and minimum sentencing, ***mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances***, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. *Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:*

(a) *Policies relating to parole;*

(b) *Regulatory procedures and policies of the State Board of Parole Commissioners;*

(c) *Policies for the operation of the Department of Corrections;*

(d) *Budgetary issues; and*

(e) *Other related matters.*

5. *Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.*

6. *Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the*

resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

8. Compile and develop statistical information concerning sentencing in this State.

~~{5-}~~ ~~{8-}~~ **9.** For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes ~~in the structure of sentencing~~ **pertaining to the administration of justice** in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the **Director of the Legislative Counsel Bureau for distribution to the** Legislature not later than ~~{10 days after the commencement of the session.}~~ **September 1 of each even-numbered year.**

Sec. 3.5. NRS 179A.290 is hereby amended to read as follows:

179A.290 1. The Director of the Department shall establish within the Central Repository a program to compile and analyze data concerning offenders who commit sexual offenses. The program must be designed to:

(a) Provide statistical data relating to the recidivism of offenders who commit sexual offenses; and

(b) Use the data provided by the Division of Child and Family Services of the Department of Health and Human Services pursuant to NRS 62H.220 to:

(1) Provide statistical data relating to the recidivism of juvenile sex offenders after they become adults; and

(2) Assess the effectiveness of programs for the treatment of juvenile sex offenders.

2. The Division of Parole and Probation and the Department of Corrections shall assist the Director of the Department in obtaining data and in carrying out the program.

3. The Director of the Department shall report the statistical data and findings from the program to:

(a) The Legislature at the beginning of each regular session.

(b) The Advisory Commission on ~~{Sentencing}~~ **the Administration of Justice** on or before January 31 of each even-numbered year.

4. The data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the

identity of a juvenile sex offender or the identity of an individual victim of a crime.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Advisory Commission on ~~[(Sentencing)]~~ **the Administration of Justice** the sum of \$50,000 so that the Commission may enter into a contract with a qualified, independent consultant to assist the Commission in carrying out its duties.

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. 5. 1. The Attorney General shall continue to serve as Chairman of the Advisory Commission on ~~[(Sentencing)]~~ **the Administration of Justice** until the members elect a Chairman . ~~[at the first regular meeting of the Commission that is held after July 1, 2007.]~~ The Commission shall meet not later than ~~[(120 days after)]~~ July ~~[(1,)]~~ **31**, 2007, and shall elect a Chairman at that meeting.

2. **Notwithstanding the amendatory provisions of this act, a member of the Commission, other than the member who is a county commissioner, who is serving a term on July 1, 2007, is entitled to serve out the remainder of the term to which he was appointed.**

3. **Not later than July 15, 2007:**

(a) **The Chief Justice of the Supreme Court shall appoint the member described in paragraph (b) of subsection 1 of NRS 176.0123, as amended by this act;**

(b) **The Governor shall appoint the member described in paragraph (i) of subsection 1 of NRS 176.0123, as amended by this act;**

(c) **The Nevada Sheriffs' and Chiefs' Association shall appoint the member described in paragraph (j) of subsection 1 of NRS 176.0123, as amended by this act; and**

(d) **The State Board of Parole Commissioners shall appoint the member described in paragraph (k) of subsection 1 of NRS 176.0123, as amended by this act.**

4. **Any vacancy on the Commission that exists on July 1, 2007, must be filled not later than July 15, 2007, in the manner described in NRS 176.0123, as amended by this act.**

Sec. 6. This act becomes effective on July 1, 2007.

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 508.

Remarks by Assemblyman Parks.
 Motion carried by a constitutional majority.
 Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 19, consisting of the undersigned members, has met and reports that:
 It has agreed to recommend that the Amendment No. 955 of the Assembly be concurred in.

WILLIAM HORNE	JOSEPH HECK
DAVID PARKS	MAGGIE CARLTON
GARN MABEY	MICHAEL SCHNEIDER
<i>Assembly Conference Committee</i>	<i>Senate Conference Committee</i>

Assemblyman Horne moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 19.

Remarks by Assemblyman Horne.
 Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 244, consisting of the undersigned members, has met and reports that:
 It has agreed to recommend that the Amendment No. 699 of the Assembly be concurred in.

SUSAN GERHARDT	DENNIS NOLAN
PEGGY PIERCE	VALERIE WIENER
LYNN STEWART	MAURICE WASHINGTON
<i>Assembly Conference Committee</i>	<i>Senate Conference Committee</i>

Assemblywoman Gerhardt moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 244.

Remarks by Assemblyman Gerhardt.
 Motion carried by a constitutional majority.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Judiciary, to which was rereferred Assembly Bill No. 483, 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*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 604, Senate Amendment No. 987.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 182, Senate Amendment No. 1056, and requests a conference, and appointed Senators Washington, Woodhouse and Heck as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 244, Senate Amendment No. 952, and

requests a conference, and appointed Senators Horsford, Mathews and Hardy as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 428, Senate Amendments Nos. 695, 948, and requests a conference, and appointed Senators Amodei, Washington and Care as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1082 to Senate Bill No. 404.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Nolan, Lee and Carlton as a first Conference Committee concerning Senate Bill No. 43.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Rhoads and Schneider as a first Conference Committee concerning Senate Bill No. 274.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Horsford, Lee and Nolan as a first Conference Committee concerning Senate Bill No. 303.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Lee, McGinness and Washington as a first Conference Committee concerning Senate Bill No. 328.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, Heck and Schneider as a first Conference Committee concerning Senate Bill No. 436.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Care and Washington as a first Conference Committee concerning Senate Bill No. 483.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Hardy, Lee and Beers as a first Conference Committee concerning Senate Bill No. 509.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 19.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 244.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 490 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 490.

Bill read third time.

The following amendment was proposed by Assemblyman Conklin:

Amendment No. 1123.

AN ACT relating to the Legislature; revising provisions governing bill draft requests authorized for various requesters; revising provisions governing the prefiling, reprinting and transmittal of bills and resolutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law specifies the number of bill drafts various entities may request the Legislative Counsel to prepare. (NRS 218.240-218.255) Sections

~~[1 7 and 13]~~ **3-9 and 15** of this bill revise those provisions to limit the number of measures that may be requested by most nonlegislative requesters and increasing the number of measures that may be requested by **certain** Legislators . ~~[and chairs of legislative committees.]~~ Sections ~~[6 and 8]~~ **3, 4 and 8-10** of this bill require that certain measures requested on behalf of ~~[Executive Branch officers]~~ **nonlegislative requesters** be prefiled on or before December 15 preceding session.

Section ~~[7]~~ **9** of this bill also removes the provision that requires all bill drafts requested by the Supreme Court to be delivered to the Chairman of the Committee on Judiciary of each House.

Under existing law, when a prefiled bill or joint resolution is printed it must contain the standing committee to which the bill or joint resolution is proposed to be referred. The appropriate standing committee must be determined pursuant to the rules or recommendations for the referral of bills and joint resolutions adopted by the appropriate House during the preceding regular session of the Legislature. (NRS 218.278) Section ~~[9]~~ **11** of this bill removes the specified method for determining the appropriate standing committee.

Section ~~[14]~~ **16** of this bill provides that sections ~~[1 8 and 13]~~ **3-10 and 15** of this bill expire by limitation on June 30, ~~[2009]~~ **2011**.

Under existing law, when a bill is amended it must be reprinted unless two-thirds of the members present vote to dispense with the reprinting of the bill. Existing law limits the circumstances under which such a vote may be taken to only those cases involving bills over 32 pages in length, amendments to the titles and preambles of bills, amendments to correct typographical errors, and other amendments which do not change the meaning, intent or significance of a bill. (NRS 218.320, 218.330) Sections ~~[10 and 11]~~ **12 and 13** of this bill remove such limiting circumstances.

Under existing law, when a bill or resolution is passed by both Houses it must be immediately transmitted by the Secretary of the Senate or the Chief Clerk of the Assembly to the Legislative Counsel to be enrolled. (NRS 218.340) Section ~~[12]~~ **14** of this bill revises that requirement by providing that the bill or resolution must be transmitted to the Legislative Counsel upon adjournment.

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

Section 1. ~~[NRS 218.2405 is hereby amended to read as follows:~~
~~218.2405 1. Except as otherwise provided by specific statute, joint rule or concurrent resolution of the Legislature, the Legislative Counsel shall honor:~~

~~(a) The number of requests for the drafting of a bill or resolution for a regular session of the Legislature only as provided in NRS 218.240 to 218.255, inclusive.~~

~~(b) A request for the drafting of a bill or resolution for any session of the Legislature which is submitted by a state agency, board or department, [a local government, the judiciary] *the Supreme Court* or another authorized nonlegislative requester only if the request is in a subject related to the function of the requester.~~

~~2. The Legislative Counsel shall not:~~

~~(a) Assign a number to a request for the drafting of a bill or resolution for any session of the Legislature to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.~~

~~(b) Honor a request to change the subject matter of a request for the drafting of a bill or resolution for any session of the Legislature after it has been submitted for drafting.~~

~~(c) Honor a request for the drafting of a bill or resolution for any session of the Legislature which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 218.241 is hereby amended to read as follows:~~

~~218.241 1. Upon request made within the time allowed and limits established pursuant to NRS 218.240 to 218.255, inclusive, the Legislative Counsel shall advise any agency or officer of the Executive Branch of the State Government [, and any county, school district or city,] as to the preparation of measures to be submitted to the Legislature.~~

~~2. To ensure the greatest possible equity in the handling of requests, drafting must proceed as follows:~~

~~(a) Requests for legislative measures from each agency or officer of the Executive Branch of the State Government [or from a county, school district or city] must, insofar as is possible, be acted upon in the order in which they are received, unless a different priority is designated by the requester.~~

~~(b) As soon as an agency or officer of the Executive Branch of the State Government has requested 10 legislative measures for any session, the Legislative Counsel may request the agency or officer to designate the priority for each succeeding request.~~

~~{(c) Not later than 2 weeks before the commencement of a regular session of the Legislature, any county, school district or city which has requested the preparation of more than one legislative measure for that session shall submit to the Legislative Counsel a list which designates the order of priority for each request.}~~

~~* The priority designated pursuant to this subsection must guide the Legislative Counsel in acting upon the requests of the respective agencies and officers of the Executive Branch of the State Government [and the counties, school districts and cities] to ensure each agency and officer, [and each county, school district and city,] as nearly as is possible, an equal rank.] (Deleted by amendment.)~~

Sec. 3. NRS 218.2413 is hereby amended to read as follows:

218.2413 1. Except as otherwise provided in subsections 3, 4 and 5, each board of county commissioners, board of trustees of a school district and city council may request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare any legislative measure which has been approved by the governing body of the county, school district or city at a public hearing before its submission to the Legislative Counsel Bureau.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 400,000 or more shall not request the preparation of more than ~~{15}~~ **4** legislative measures pursuant to subsection 1 for a regular legislative session. ~~[At least one of the measures must be recommended by a metropolitan police department that is located within the county.]~~

(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than ~~{10}~~ **2** legislative measures pursuant to subsection 1 for a regular legislative session.

(c) Is less than 100,000 shall not request the preparation of more than ~~{2}~~ **1 legislative measure** pursuant to subsection 1 for a regular legislative session.

4. The board of trustees of a school district in a county whose population:

(a) Is 400,000 or more shall not request the preparation of more than ~~{5}~~ **2** legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is ~~{100,000 or more but}~~ less than 400,000 shall not request the preparation of more than ~~{2}~~ legislative measures pursuant to subsection 1 for a regular legislative session.

~~(c) Is less than 100,000 shall not request the preparation of more than~~ 1 legislative measure pursuant to subsection 1 for a regular legislative session.

5. The city council of a city whose population:

(a) Is 100,000 or more shall not request the preparation of more than ~~{4}~~ **3** legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is less than 100,000 shall not request the preparation of more than 1 legislative measure pursuant to subsection 1 for a regular legislative session.

6. **Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The measures requested pursuant to this section must be prefiled on or before December 15 preceding the regular session. A measure that is not prefiled on or before that date shall be deemed withdrawn.**

7. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 4. NRS 218.2415 is hereby amended to read as follows:

218.2415 1. ~~[An association of elected officials may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare no more than 5 legislative measures for a regular legislative session.]~~

~~2.]~~ An association of counties or cities may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare no more than ~~{20}~~ 5 legislative measures for a regular legislative session.

~~{3}~~ 2. A request for the drafting of a legislative measure pursuant to this section must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature.

3. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The measures requested pursuant to this section must be prefiled on or before December 15 preceding the regular session. A measure that is not prefiled on or before that date shall be deemed withdrawn.

~~{Sec. 3.}~~ **Sec. 5.** NRS 218.2423 is hereby amended to read as follows:

218.2423 1. Each:

(a) Incumbent Assemblyman may request the drafting of not more than ~~{5}~~ **6** legislative measures submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature and not more than 5 legislative measures submitted to the Legislative Counsel after September 1 but on or before December 15 preceding the commencement of a regular session of the Legislature.

(b) Incumbent Senator may request the drafting of not more than ~~{10}~~ **12** legislative measures submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature and not more than 10 legislative measures submitted to the Legislative Counsel after September 1 but on or before December 15 preceding the commencement of a regular session of the Legislature.

(c) Newly elected Assemblyman may request the drafting of not more than 5 legislative measures submitted to the Legislative Counsel on or before December 15 preceding the commencement of a regular session of the Legislature.

(d) Newly elected Senator may request the drafting of not more than 10 legislative measures submitted to the Legislative Counsel on or before December 15 preceding the commencement of a regular session of the Legislature.

2. In addition to the number authorized pursuant to subsection 1:

(a) The chairman of each standing committee of the immediately preceding regular legislative session, or a person designated in the place of the chairman by the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, may request before the date of the general election preceding the commencement of the next regular legislative session the drafting of not more than 1 legislative measure for introduction by the

committee in a subject within the jurisdiction of the committee for every 15 ~~10~~ legislative measures that were referred to the respective standing committee during the immediately preceding regular legislative session.

(b) A person designated after a general election as a chairman of a standing committee for the next regular legislative session, or a person designated in the place of a chairman by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular legislative session, may request on or before December 15 preceding the commencement of the next regular legislative session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chairman or designee.

3. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

~~Sec. 4.]~~ **Sec. 6.** NRS 218.2429 is hereby amended to read as follows:

218.2429 1. The Chairman of the Legislative Commission may request the drafting of not more than 15 legislative measures before the commencement of a regular legislative session, with the approval of the Commission, which relate to the affairs of the Legislature or its employees, including measures requested by the legislative staff.

2. The Chairman of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the commencement of a regular legislative session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by specific statute or concurrent resolution of the Legislature:

(a) Any other legislative committee created by statute may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

(b) An interim committee which conducts a study or investigation pursuant to subsection 5 of NRS 218.682 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

(c) Any other committee established by the Legislature which conducts an interim legislative study may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study.

↳ Except as otherwise provided in NRS 218.635, measures authorized to be requested pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

~~{Sec. 5.}~~ *Sec. 7.* NRS 218.245 is hereby amended to read as follows:

218.245 1. Except as otherwise provided in subsections 2 and 5, the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall not prepare or assist in the preparation of proposed legislation for any agency or officer of the Executive Branch of the State Government or for a county, school district or city before a regular session of the Legislature unless the request is approved by the Governor or a designated member of his staff , or the governing body of the county, school district or city, and transmitted to the Legislative Counsel on or before September 1 preceding the convening of the session.

2. A request for proposed legislation may be submitted to the Legislative Counsel pursuant to subsection 3 ~~for 4~~ of NRS 218.2455 by the ~~{Board of Regents of the University of Nevada,}~~ Lieutenant Governor, Secretary of State, Attorney General, State Controller or State Treasurer without the approval of the Governor or a designated member of his staff.

3. After November 1, preceding a legislative session, the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall give full priority to the preparation of proposed legislation requested by members of the Legislature.

4. The Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall not prepare or assist in the preparation of any proposed legislation during any regular session of the Legislature except as authorized by statute or joint rule of the Legislature.

5. ~~{An agency or officer of the Executive Branch of the State Government} for a county, school district or city,} ~~{shall not request a Legislator to have legislation drafted on its behalf.}~~ The Legislative Commission, when the Legislature is not in session, or a standing committee which has jurisdiction of the subject matter when the Legislature is in session, may, if it finds that exceptional circumstances so warrant, authorize the drafting of legislation requested after the time limited by subsection 1 of this section and subsection 1 ~~1~~ or 3 ~~or 4~~ of NRS 218.2455.~~

~~{Sec. 6.}~~ *Sec. 8.* NRS 218.2455 is hereby amended to read as follows:

218.2455 1. The Governor or his designated representative may transmit to the Legislative Counsel on or before September 1 preceding a regular legislative session not more than ~~{125}~~ **100** requests for the drafting of legislative measures approved on behalf of state agencies, boards and departments of the Executive Branch of *the* State Government pursuant to subsection 1 of NRS 218.245.

2. The Department of Administration may request on or before the 19th day of the legislative session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. *In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures*

on or before the 19th day of the legislative session to propose his legislative agenda.

3. The following constitutional officers may request the drafting of not more than the following numbers of legislative measures on or before September 1 preceding a regular legislative session:

Lieutenant Governor ~~{2}~~ 1

Secretary of State ~~{8}~~ 5

State Treasurer ~~{5}~~ 2

State Controller ~~{5}~~ 2

Attorney General ~~{25}~~ 15

4. **Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.** The ~~{Board of Regents of the University of Nevada may request the drafting of not more than 5 legislative measures on behalf of the Nevada System of Higher Education on or before September 1 preceding a regular legislative session.}~~ **measures requested pursuant to subsections 1 and 3 must be prefiled on or before December 15 preceding the regular session. A measure that is not prefiled on or before that date shall be deemed withdrawn.**

~~{Sec. 7.}~~ **Sec. 9.** NRS 218.247 is hereby amended to read as follows:

218.247 1. The Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall prepare and assist in the preparation of legislative measures at the request of the Supreme Court if the legislative measures are transmitted to the Legislative Counsel on or before September 1 preceding the commencement of the next regular session of the Legislature. The Supreme Court may transmit to the Legislative Counsel pursuant to this section not more than ~~{16}~~ 10 legislative measures on behalf of the Supreme Court . ~~{and district courts of this State and not more than 4 legislative measures on behalf of the municipal courts and Justice Courts of this State.}~~

2. Every requested legislative measure must set forth the substance of the provisions desired or which may be needed with the reasons therefor.

3. ~~{The Legislative Counsel shall transmit any legislative measure prepared pursuant to this section to the Chairman of the Committee on Judiciary of each House at the next regular session of the Legislature.}~~ **Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The measures requested pursuant to this section must be prefiled on or before December 15 preceding the regular session. A measure that is not prefiled on or before that date shall be deemed withdrawn.**

~~{Sec. 8.}~~ **Sec. 10.** NRS 218.277 is hereby amended to read as follows:

218.277 1. Any member of the next succeeding regular session of the Legislature may request the Legislative Counsel to prefile any legislative bill or joint resolution that was requested by that Legislator for introduction in the next succeeding regular session of the Legislature.

2. A person designated as a chairman of a standing committee for the next succeeding regular session of the Legislature may request the

Legislative Counsel to prefile on behalf of the committee any legislative bill or joint resolution within the jurisdiction of the committee for introduction in the next succeeding regular session of the Legislature.

3. ***Measures submitted for prefiling pursuant to ~~subsection 4 of~~ NRS 218.2413, 218.2415, 218.2455 and 218.247 must be randomly divided in equal amounts between the Senate and the Assembly and prefiled on behalf of the appropriate standing committee.***

4. Such bills and joint resolutions must be in such final and correct form for introduction in the Legislature as required by the Nevada Constitution and this chapter.

~~[4.]~~ 5. The Legislative Counsel shall not prefile a bill or joint resolution requested by:

(a) A member of the Legislature who is not a candidate for reelection until after the general election immediately preceding the regular session of the Legislature.

(b) A member of the Legislature who is elected or reelected to his office at the general election immediately preceding the regular session of the Legislature until he is determined to have received the highest number of votes pursuant to the canvass of votes required by NRS 293.395.

~~[Sec. 9.]~~ **Sec. 11.** NRS 218.278 is hereby amended to read as follows:

218.278 1. The Legislative Counsel shall, upon receipt of requests for prefiling bills and joint resolutions, transmit those bills and resolutions that may be prefiled to the Secretary of the Senate or the Chief Clerk of the Assembly, as appropriate. The Secretary or Chief Clerk shall number the bills and joint resolutions consecutively in the same manner as during regular sessions of the Legislature and is responsible for the safekeeping of such bills and joint resolutions.

2. After a bill or joint resolution has been properly numbered, the Legislative Counsel shall cause the bill or joint resolution to be printed in the same manner as during regular sessions of the Legislature. The bill or joint resolution must contain:

- (a) The name of the introducer;
- (b) The date on which it was prefiled;
- (c) If it was not requested by a member of the Legislature, the name of the entity that requested the preparation of the bill or joint resolution; and
- (d) The standing committee of the Senate or Assembly to which the bill or joint resolution is proposed to be referred. ~~[The standing committee must be determined pursuant to the rules or recommendations for the referral of bills and joint resolutions adopted by the appropriate House during the preceding regular session of the Legislature.]~~

3. The number of copies to be printed must be determined by the Legislative Counsel, and the expenses of printing and mailing must be paid from the Legislative Fund.

4. The Legislative Counsel shall release copies of a prefiled bill or joint resolution to the public.

~~{Sec. 10.}~~ *Sec. 12.* NRS 218.320 is hereby amended to read as follows:

218.320 All bills amended by either House shall be immediately reprinted. New matter shall be indicated by underscoring in the typewritten or other machine-produced copy and italics in the printed copy. Matter to be omitted shall be indicated by brackets in the typewritten or other machine-produced copy and brackets or strike-out type in the printed copy. When a bill is amended in either House, the first or previous markings shall be omitted. However, ~~[in the cases of bills over 32 pages in length, amendments to the titles and preambles of bills, amendments to correct typographical errors, and other amendments which do not change the meaning, intent or significance of a bill,]~~ the reprinting of the bill may be dispensed with on motion carried by a two-thirds majority of the members present. If the reprinting is so dispensed with, the amendments may be inserted by hand in the printed bill, but the authenticity of each amendment shall be established by endorsement, such endorsement to consist of initials signed on the margin near each amendment by the Secretary of the Senate or by the Chief Clerk of the Assembly, as the case may be.

~~{Sec. 11.}~~ *Sec. 13.* NRS 218.330 is hereby amended to read as follows:

218.330 Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, it shall immediately be reprinted as amended by the House making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended and endorsed "adopted" and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be endorsed "concurred in" and such endorsement shall be signed by the Secretary of the Senate or by the Chief Clerk of the Assembly, as the case may be. However, ~~[in the cases of bills over 32 pages in length, amendments to the titles and preambles of bills, amendments to correct typographical errors, and other amendments which do not change the meaning, intent or significance of a bill,]~~ the reprinting of the bill may be dispensed with on motion carried by a two-thirds majority of the members present, but such amendment must be concurred in by the House in which such bill originated. If the reprinting is so dispensed with, the amendments may be inserted by hand in the printed bill, but the authenticity of each amendment shall be established by endorsement, such endorsement to consist of initials signed on the margin near each amendment by the Secretary of the Senate or by the Chief Clerk of the Assembly, as the case may be.

~~{Sec. 12.}~~ *Sec. 14.* NRS 218.340 is hereby amended to read as follows:

218.340 When any bill or resolution is passed by both Houses, the Secretary of the Senate or the Chief Clerk of the Assembly shall ~~[immediately]~~ transmit the same to the Legislative Counsel to be enrolled, and shall take his receipt therefor. The receipt shall bear the date of delivery

and shall give the bill or resolution number. The fact that the bill or resolution was received by the Legislative Counsel shall be noted as a part of the history of the bill or resolution. When the same shall have been duly and regularly enrolled and delivered to the Governor, as provided by NRS 218.280 to 218.440, inclusive, ~~{}~~ in all cases where it is required to be so delivered, ~~{,}~~ the fact of such delivery and the date thereof shall also be noted, over the signature of the Legislative Counsel, as a part of the history of the bill or resolution.

~~{Sec. 13.}~~ **Sec. 15.** NRS ~~{218.2413, 218.2415 and 218.2417 are}~~ **218.2417** is hereby repealed.

~~{Sec. 14.}~~ **Sec. 16.** 1. This act becomes effective upon passage and approval.

2. Sections ~~{1 to 8,}~~ **3 to 10**, inclusive, and ~~{13}~~ **15** of this act expire by limitation on June 30, ~~{2009}~~ **2011**.

TEXT OF REPEALED ~~{SECTIONS}~~ SECTION

~~{ 218.2413—Requests by county, school district or city for preparation of legislative measures; notice of duplicate requests.~~

~~1.—Except as otherwise provided in subsections 3, 4 and 5, each board of county commissioners, board of trustees of a school district and city council may request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare any legislative measure which has been approved by the governing body of the county, school district or city at a public hearing before its submission to the Legislative Counsel Bureau.~~

~~2.—The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.~~

~~3.—The board of county commissioners of a county whose population:~~
~~(a) Is 400,000 or more shall not request the preparation of more than 15 legislative measures pursuant to subsection 1 for a regular legislative session. At least one of the measures must be recommended by a metropolitan police department that is located within the county.~~

~~(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than 10 legislative measures pursuant to subsection 1 for a regular legislative session.~~

~~(c) Is less than 100,000 shall not request the preparation of more than 2 legislative measures pursuant to subsection 1 for a regular legislative session.~~

~~4.—The board of trustees of a school district in a county whose population:~~

~~(a) Is 400,000 or more shall not request the preparation of more than 5 legislative measures pursuant to subsection 1 for a regular legislative session.~~

~~(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than 2 legislative measures pursuant to subsection 1 for a regular legislative session.~~

~~(c) Is less than 100,000 shall not request the preparation of more than 1 legislative measure pursuant to subsection 1 for a regular legislative session.~~

~~5. The city council of a city whose population:~~

~~(a) Is 100,000 or more shall not request the preparation of more than 4 legislative measures pursuant to subsection 1 for a regular legislative session.~~

~~(b) Is less than 100,000 shall not request the preparation of more than 1 legislative measure pursuant to subsection 1 for a regular legislative session.~~

~~6. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.~~

~~218.2415 Requests by association of elected officials or association of counties or cities for preparation of legislative measures.~~

~~1. An association of elected officials may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare no more than 5 legislative measures for a regular legislative session.~~

~~2. An association of counties or cities may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare no more than 20 legislative measures for a regular legislative session.~~

~~3. A request for the drafting of a legislative measure pursuant to this section must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature.]~~

218.2417 Preparation of legislative measures for regional planning coalition by Legislative Counsel and Legal Division of Legislative Counsel Bureau.

1. The Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall prepare and assist in the preparation of legislative measures at the request of a regional planning coalition if the legislative measures are transmitted to the Legislative Counsel on or before September 1 preceding the commencement of the next regular session of the Legislature. A regional planning coalition may transmit to the Legislative Counsel pursuant to this section not more than one legislative measure for a regular legislative session.

2. Every requested legislative measure must set forth the substance of the provisions which are desired or which may be needed with the reasons therefor.

3. As used in this section, "regional planning coalition" has the meaning ascribed to it in NRS 278.0172.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

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

Assembly Bill No. 483.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1119.

AN ACT relating to civil actions; increasing the amount of the homestead exemption; providing that certain property of a judgment debtor is exempt from execution; increasing the amount of damages that may be awarded in certain tort actions brought against a governmental entity or its officers or employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, with certain exceptions, in a civil action in which damages were awarded, the prevailing party in the action may obtain a writ of execution to enforce the judgment at any time before the judgment expires. (NRS 21.010) Existing law exempts certain property from such a writ of execution up to a specified monetary value. (NRS 21.090) In addition, existing law protects from a forced sale up to \$350,000 in equity of certain property which is designated as a homestead by a person, except in certain circumstances. (NRS 115.005, 115.010)

Sections 2, 4 and 5 of this bill increase the amount of equity protected in homestead property from \$350,000 to ~~450,000~~ **\$550,000**. Section 2 also expands the list of the property of a judgment debtor that is exempt from execution to include: (1) certain personal property not to exceed \$1,000 in total value; ~~and~~ (2) any tax refund the judgment debtor receives because of the federal earned income credit or any similar credit under a state law ~~;~~ **and (3) all money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used as the judgment debtor's primary residence in certain circumstances.** (NRS 21.090) Sections 1 and 3 of this bill add those new exemptions to the list of exemptions provided in certain notices of execution. (NRS 21.075, 31.045) Sections 1 and 3 also revise the contents of a notice of writ of execution and a notice of writ of attachment to reflect the changes in the homestead exemption included in this bill.

Section ~~3.5~~ **3.3** of this bill increases the limitation on the amount of damages that may be awarded in a tort action brought against a governmental entity or its officers or employees from \$50,000 to ~~100,000~~ **\$75,000**. (NRS 41.035) **Section 6 provides that this increase becomes effective on October 1, 2007, and expires by limitation on October 1, 2011. Section 3.5 of this bill increases that limitation on the amount of damages to \$100,000 effective on October 1, 2011.**

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

Section 1. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the

judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to (name of person), the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed ~~[\$350,000.]~~ ~~[\$450,000.]~~ \$550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. *All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or his successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.*

11. A vehicle, if your equity in the vehicle is less than \$15,000.

~~¶11~~ **12.** Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

~~¶12~~ **13.** Money, not to exceed \$500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

~~¶13~~ **14.** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

~~¶14~~ **15.** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

~~¶15~~ **16.** A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

~~¶16~~ **17.** A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

~~¶17~~ **18.** Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

~~¶18~~ **19.** Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~¶19~~ **20.** Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent

reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~20~~ **21.** Payments received as restitution for a criminal act.

~~21~~ **22.** *Personal property, not to exceed \$1,000 in total value, if the property is not otherwise exempt from execution.*

~~22~~ **23.** *A tax refund received from the earned income credit provided by federal law or a similar state law.*

↳ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through (name of organization in county providing legal services to indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 2. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed \$5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed \$12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed \$4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of himself and his family not to exceed \$10,000 in value.

(e) The cabin or dwelling of a miner or prospector, his cars, implements and appliances necessary for carrying on any mining operations and his mining claim actually worked by him, not exceeding \$4,500 in total value.

(f) Except as otherwise provided in paragraph ~~((e))~~ (p), one vehicle if the judgment debtor's equity does not exceed \$15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs ~~((a)), ((c)) and ((e))~~ (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State

and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed \$15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the \$15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed ~~[\$350,000]~~ ~~[\$450,000]~~ \$550,000 in value and the dwelling is situated upon lands not owned by him.

(n) **All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his primary residence, except that such money is not exempt with respect to a landlord or his successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.**

~~(o)~~ (o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

~~(p)~~ (p) Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

~~(q)~~ (q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

~~(r)~~ (r) Money, not to exceed \$500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the

purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

~~[(s)]~~ (s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

~~[(t)]~~ (t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

~~[(u)]~~ (u) Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

~~[(v)]~~ (v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[(w)]~~ (w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[(x)]~~ (x) Payments received as restitution for a criminal act.

~~[(y)]~~ (y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

~~[(z)]~~ (z) *Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed \$1,000 in total value, to be selected by the judgment debtor.*

~~[(aa)]~~ (aa) *Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.*

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 3. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

↪ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

**NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED**

Plaintiff, (name of person), alleges that you owe him money. He has begun the procedure to collect that money. To secure satisfaction of judgment the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed ~~[\$350,000,] [~~\$450,000,] \$550,000,~~ unless:~~

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are

located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. **All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or his successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.**

11. A vehicle, if your equity in the vehicle is less than \$15,000.

~~11~~ **12.** Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

~~12~~ **13.** Money, not to exceed \$500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

~~13~~ **14.** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

~~14~~ **15.** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

~~15~~ **16.** A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

~~16~~ **17.** A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

~~17~~ **18.** Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person

upon whom the judgment debtor is dependent at the time the payment is received.

~~18~~ **19.** Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~19~~ **20.** Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~20~~ **21.** Payments received as restitution for a criminal act.

~~21~~ **22.** *Personal property, not to exceed \$1,000 in total value, if the property is not otherwise exempt from execution.*

~~22~~ **23.** *A tax refund received from the earned income credit provided by federal law or a similar state law.*

↳ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through (name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 3.3. NRS 41.035 is hereby amended to read as follows:

41.035 1. An award for damages in an action sounding in tort brought under NRS 41.031 or against a present or former officer or employee of the State or any political subdivision, immune contractor or State Legislator arising out of an act or omission within the scope of his public duties or employment may not exceed the sum of ~~(\$50,000)~~ **\$75,000**, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant. An award may not include any amount as exemplary or punitive damages.

2. The limitations of subsection 1 upon the amount and nature of damages which may be awarded apply also to any action sounding in tort and arising from any recreational activity or recreational use of land or water which is brought against:

(a) Any public or quasi-municipal corporation organized under the laws of this State.

(b) Any person with respect to any land or water leased or otherwise made available by that person to any public agency.

(c) Any Indian tribe, band or community whether or not a fee is charged for such activity or use. The provisions of this paragraph do not impair or modify any immunity from liability or action existing on February 26, 1968, or arising after February 26, 1968, in favor of any Indian tribe, band or community.

↪ The Legislature declares that the purpose of this subsection is to effectuate the public policy of the State of Nevada by encouraging the recreational use of land, lakes, reservoirs and other water owned or controlled by any public or quasi-municipal agency or corporation of this State, wherever such land or water may be situated.

Sec. 3.5. NRS 41.035 is hereby amended to read as follows:

41.035 1. An award for damages in an action sounding in tort brought under NRS 41.031 or against a present or former officer or employee of the State or any political subdivision, immune contractor or State Legislator arising out of an act or omission within the scope of his public duties or employment may not exceed the sum of ~~(\$75,000)~~ **\$100,000**, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant. An award may not include any amount as exemplary or punitive damages.

2. The limitations of subsection 1 upon the amount and nature of damages which may be awarded apply also to any action sounding in tort and arising from any recreational activity or recreational use of land or water which is brought against:

(a) Any public or quasi-municipal corporation organized under the laws of this State.

(b) Any person with respect to any land or water leased or otherwise made available by that person to any public agency.

(c) Any Indian tribe, band or community whether or not a fee is charged for such activity or use. The provisions of this paragraph do not impair or modify any immunity from liability or action existing on February 26, 1968, or arising after February 26, 1968, in favor of any Indian tribe, band or community.

↪ The Legislature declares that the purpose of this subsection is to effectuate the public policy of the State of Nevada by encouraging the recreational use of land, lakes, reservoirs and other water owned or controlled by any public or quasi-municipal agency or corporation of this State, wherever such land or water may be situated.

Sec. 4. NRS 115.010 is hereby amended to read as follows:

115.010 1. The homestead is not subject to forced sale on execution or any final process from any court, except as otherwise provided by subsections 2, 3 and 5, and NRS 115.090 and except as otherwise required by federal law.

2. The exemption provided in subsection 1 extends only to that amount of equity in the property held by the claimant which does not exceed [~~\$350,000~~] [~~\$450,000~~] \$550,000 in value, unless allodial title has been established and not relinquished, in which case the exemption provided in subsection 1 extends to all equity in the dwelling, its appurtenances and the land on which it is located.

3. Except as otherwise provided in subsection 4, the exemption provided in subsection 1 does not extend to process to enforce the payment of obligations contracted for the purchase of the property, or for improvements made thereon, including any mechanic's lien lawfully obtained, or for legal taxes, or for:

(a) Any mortgage or deed of trust thereon executed and given, including, without limitation, any second or subsequent mortgage, mortgage obtained through refinancing, line of credit taken against the property and a home equity loan; or

(b) Any lien to which prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,

↪ by both husband and wife, when that relation exists.

4. If allodial title has been established and not relinquished, the exemption provided in subsection 1 extends to process to enforce the payment of obligations contracted for the purchase of the property, and for improvements made thereon, including any mechanic's lien lawfully obtained, and for legal taxes levied by a state or local government, and for:

(a) Any mortgage or deed of trust thereon; and

(b) Any lien even if prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,

↳ unless a waiver for the specific obligation to which the judgment relates has been executed by all allodial titleholders of the property.

5. Establishment of allodial title does not exempt the property from forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, or 207.350 to 207.520, inclusive.

6. Any declaration of homestead which has been filed before July 1, ~~{2005,}~~ **2007**, shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount permitted by law on that date, but the increase does not impair the right of any creditor to execute upon the property when that right existed before July 1, ~~{2005,}~~ **2007**.

Sec. 5. NRS 115.050 is hereby amended to read as follows:

115.050 1. Whenever execution has been issued against the property of a party claiming the property as a homestead, and the creditor in the judgment makes an oath before the judge of the district court of the county in which the property is situated ~~{,}~~ that the amount of equity held by the claimant in the property exceeds, to the best of the creditor's information and belief, the sum of ~~[\$350,000,] ~~[\$450,000,]~~ \$550,000~~, the judge shall, upon notice to the debtor, appoint three disinterested and competent persons as appraisers to estimate and report as to the amount of equity held by the claimant in the property ~~{,}~~ and, if the amount of equity exceeds the sum of ~~[\$350,000,] ~~[\$450,000,]~~ \$550,000~~, determine whether the property can be divided so as to leave the property subject to the homestead exemption without material injury.

2. If it appears, upon the report, to the satisfaction of the judge that the property can be thus divided, he shall order the excess to be sold under execution. If it appears that the property cannot be thus divided, and the amount of equity held by the claimant in the property exceeds the exemption allowed by this chapter, he shall order the entire property to be sold, and out of the proceeds the sum of ~~[\$350,000] ~~[\$450,000]~~ \$550,000~~ to be paid to the defendant in execution, and the excess to be applied to the satisfaction on the execution. No bid under ~~[\$350,000] ~~[\$450,000]~~ \$550,000~~ may be received by the officer making the sale.

3. When the execution is against a husband or wife, the judge may direct the ~~[\$350,000] ~~[\$450,000]~~ \$550,000~~ to be deposited in court, to be paid out only upon the joint receipt of the husband and wife, and the deposit possesses all the protection against legal process and voluntary disposition by either spouse as did the original homestead.

Sec. 5.3. NRS 657.140 is hereby amended to read as follows:

657.140 1. Except as otherwise provided in subsection 2, a financial institution shall not include in any loan agreement a provision that allows the financial institution to recover, take, appropriate or otherwise apply as a setoff against any debt or liability owing to the financial institution under the loan agreement money from an account unrelated to the loan agreement to the extent the money is exempt from execution pursuant to paragraph ~~(x)~~ (y) of subsection 1 of NRS 21.090.

2. The provisions of subsection 1 do not apply to a provision in a loan agreement that specifically authorizes automatic withdrawals from an account.

3. The provisions of this section may not be varied by agreement and the rights conferred by this section may not be waived. Any provision included in an agreement that conflicts with this section is void.

4. As used in this section:

(a) "An account unrelated to the loan agreement" includes, without limitation, an account pledged as security under the loan agreement, unless the specific account pledged as security is conspicuously described in the loan agreement.

(b) "Financial institution" means an institution licensed pursuant to the provisions of this title or title 56 or chapter 645B, 645E or 649 of NRS, or a similar institution chartered or licensed pursuant to federal law.

Sec. 5.5. The amendatory provisions of ~~section~~ :

1. Section 3.3 of this act apply to a cause of action that accrues on or after October 1, 2007, but before October 1, 2011.

2. Section 3.5 of this act apply to a cause of action that accrues on or after October 1, ~~2007~~ 2011.

Sec. 6. 1. This section and sections 1, 2, 3, 4, ~~and~~ 5, **5.3 and 5.5** of this act become effective on July 1, 2007.

2. Section ~~3.5~~ **3.3** of this act becomes effective on October 1, 2007 ~~to~~, **and expires by limitation on October 1, 2011.**

3. Section 3.5 of this act becomes effective on October 1, 2011.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

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

Senate Bill No. 490.

Bill read third time.

Roll call on Senate Bill No. 490:

YEAS—39.

NAYS—Cobb, Ohrenschall, Parnell—3.

Senate Bill No. 490 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Roll call on Assembly Bill No. 483:

YEAS—41.

NAYS—Mabey.

Assembly Bill No. 483 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Ocegüera moved that the Assembly recess until 4 p.m.

Motion carried.

Assembly in recess at 12:38 p.m.

ASSEMBLY IN SESSION

At 4:28 p.m.

Madam Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 275, 551.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 185, 380, 562.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendments Nos. 838, 1026 to Senate Bill No. 542.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 201.

SHERRY L. RODRIGUEZ

Assistant Secretary of the Senate

SPECIAL ORDERS OF THE DAY

The hour of 4:30 p.m. having arrived, vetoed Assembly Bill No. 230 of the 74th Session was considered.

Vetoed Assembly Bill No. 230 of the 74th Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

May 31, 2007

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*, LEGISLATIVE BUILDING, 401

South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill No. 230 of the 74th Legislative Session

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 230, which is entitled:

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.

This bill would expand the jurisdiction of justice courts with respect to arrests made by field agents and inspectors of the Department of Agriculture. Such jurisdiction would be equivalent to the jurisdiction granted to arrests made by the Nevada Highway Patrol. There is simply no compelling need to put arrests by the Department of Agriculture on an equivalent jurisdictional level as arrests made by the Nevada Highway Patrol. This bill would allow officers of the Department of Agriculture to choose the county where prosecutions would occur, even if that county is not the county where the violation occurred. For purposes of arrests made by the Department of Agriculture, the justice court in the county where the arrest was made should be able to adequately process that arrest through its own judicial system.

For all of these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 230.

Sincerely,
JIM GIBBONS
Governor

Bill read.

The question was put: “Shall the bill pass, notwithstanding the objections of the Governor?”

Remarks by Assemblyman Anderson.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

YEAS—None.

NAYS—Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Stewart, Weber, Womack—39.

EXCUSED—Cobb, Grady, Mortenson—3.

Assembly Bill No. 230 having failed to receive a two-thirds constitutional majority, Madam Speaker declared it lost.

Vetoed Assembly Bill No. 326 of the 74th Session.

Governor’s message stating his objections read.

OFFICE OF THE GOVERNOR

June 2, 2007

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*, LEGISLATIVE BUILDING, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill No. 326 of the 74th Session

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 326, which is entitled:

AN ACT relating to construction; requiring the State Public Works Board to compile a list 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; and providing other matters properly relating thereto.

This bill would require state governments to compile a list of all state-owned unreinforced masonry buildings. This bill would also require local governments to compile lists of all publicly

and privately owned unreinforced masonry buildings in each county, and to notify the owners of any privately owned unreinforced masonry buildings of the inclusion of that building on the list. To compile such a list would necessarily require an exhaustive review of both public and private structures throughout every city and county. The fiscal impact of this bill on local governments would be detrimental and would outweigh any benefits of the bill, particularly due to the requirement that private structures be included on the list.

For all of these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 326.

Sincerely,
JIM GIBBONS
Governor

Bill read.

The question was put: “Shall the bill pass, notwithstanding the objections of the Governor?”

Remarks by Assemblymen Kirkpatrick, Mortenson, and Anderson.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

Yeas—None.

Nays—Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Stewart, Weber, Womack—41.

Excused—Grady.

Assembly Bill No. 326 having failed to receive a two-thirds constitutional majority, Madam Speaker declared it lost.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 123, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 186, 189, 253, 458, 461, 464, 544, 570, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 185.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 380.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 562.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Parnell moved that the Assembly do not recede from its action on Senate Bill No. 404, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Parnell.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Denis, Parnell, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 404.

Madam Speaker appointed Assemblymen Parks, Anderson, and Goedhart as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 428.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 594.

The following Senate amendment was read:

Amendment No. 1071.

AN ACT relating to body shops; creating a Class A certification designation for body shops that meet certain criteria; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires body shops to submit an application to the Department of Motor Vehicles for a license to operate and file with the Department a bond in the amount of \$10,000 before doing business in the State. (NRS 487.630, 487.640) Sections 3, 4, 6 and 7 of this bill create a Class A certification for a body shop that demonstrates compliance with certain criteria. Section 8 of this bill establishes the process for applying for and renewing a Class A certification. Section 11 of this bill provides for the suspension or revocation of a Class A certification under certain circumstances. (NRS 487.660)

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 to 8, inclusive, of this act.

Sec. 2. *"Body shop" means any place where the body of a motor vehicle is painted, fixed, repaired or replaced for compensation.*

Sec. 3. *"Class A certificate" means a certificate issued to a licensed body shop that has been granted Class A certification status with the Department pursuant to section 6 of this act.*

Sec. 4. *"Class A certification" means a designation granted to a licensed body shop by the Department indicating that the body shop meets the criteria set forth in section 6 of this act and any criteria established in regulations adopted pursuant to section 7 of this act.*

Sec. 5. *"Garagekeepers' insurance" means insurance which protects an operator of a body shop against liability for damage to a vehicle in the care, custody or control of the body shop.*

Sec. 6. *To be eligible for Class A certification, a licensed body shop must:*

1. *Comply with local zoning laws and possess all required local, state and federal licenses and permits.*

2. ~~*Maintain active membership in any association in this State for the automotive industry concerning collisions involving motor vehicles.*~~

3. *Possess garagekeepers' and workers' compensation insurance.*

~~4. *Provide employees with:*~~

~~(a) *Health insurance;*~~

~~(b) *Retirement benefits; and*~~

~~(c) *Continuing education and training in subjects and for periods of time as prescribed by regulation.*~~

~~5. *3. Have the ability to:*~~

~~(a) *Obtain proper specifications for each vehicle being repaired;*~~

~~(b) *Make three dimensional measurements that are verified by a computer of each vehicle being repaired; and*~~

~~(c) *Hoist a vehicle for inspection.*~~

~~6. *4. Perform a wide range of services for vehicles being repaired, including, without limitation:*~~

~~(a) *Alignment of the wheels of a vehicle that is verified by a computer;*~~

~~(b) *Stabilization of a vehicle through the use of a four-point anchoring system;*~~

~~(c) *Simultaneous adjustment of the exterior and undercarriage of a vehicle;*~~

~~(d) *Removal and reinstallation of a frame, suspension, engine or a drivetrain component;*~~

~~(e) *Painting the exterior of a vehicle with a system for applying paint that provides a finish similar to the finish applied by the manufacturer;*~~

~~(f) *Inspection of airbags and other occupant restraint devices to the specifications of the manufacturer; and*~~

~~(g) *Welding, by a certified technician, with a gas metal arc welder or an inverter inverter welder, as appropriate.*~~

~~7~~ 5. *Adhere to current federal, state and local safety requirements by:*

- (a) Performing repairs on an air-conditioning system using equipment approved by the United States Environmental Protection Agency;*
- (b) Performing repairs with emission-reducing equipment, as prescribed by regulation;*
- (c) Performing repairs with equipment that meets all safety requirements as prescribed by regulation; and*
- (d) Disposing of hazardous waste as prescribed by regulation.*

~~8~~ 6. *Ensure customer satisfaction by providing to each customer:*

- (a) A computer-generated estimate of repairs; and*
- (b) A written, limited lifetime warranty that is valid against workmanship defects ~~at other affiliated body shops which must be located in each state of the United States and the District of Columbia.~~*

~~9~~ 7. *Have a system for documenting and maintaining customer complaints and responses to service.*

Sec. 7. ~~1. The Department shall adopt regulations establishing the requirements for continuing education and training required by subsection 4 of section 6 of this act.~~

~~2~~ *The Department may adopt such regulations as it deems necessary to carry out the provisions of sections 2 to 8, inclusive, of this act.*

Sec. 8. 1. *An application for a Class A certification or for the renewal of such a certification 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 is in compliance with all criteria set forth in section 6 of this act and any regulations adopted pursuant thereto.*

2. *Before a Class A certificate is issued to a licensed body shop, the Department must inspect the body shop to ensure that the body shop meets or exceeds the requirements set forth in section 6 of this act and any regulations adopted pursuant thereto.*

3. *The Department shall notify a licensed body shop at least 72 hours before an inspection is performed pursuant to subsection 2.*

4. *The Department shall charge an application fee of \$300 for the issuance or renewal of a Class A certificate which must be submitted with the application. 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.*

5. *Upon receipt of the application and the required fee, and when satisfied that the applicant meets or exceeds the requirements set forth in section 6 of this act and any regulations adopted pursuant thereto, the Department must issue to the licensed body shop a Class A certificate or renew such certification. The certificate must contain the name and the*

address of the licensed body shop and the name of the operator of the licensed body shop.

6. A Class A certificate expires on April 30 of each year.

Sec. 9. NRS 487.600 is hereby amended to read as follows:

487.600 As used in NRS ~~[487.610]~~ **487.600** to 487.690, inclusive, ~~["body shop" means any place where the body of a motor vehicle is painted, fixed, repaired or replaced for compensation.]~~ **and sections 2 to 8, inclusive, of this act, the words and terms defined in sections 2 to 5, inclusive, of this act have the meanings ascribed to them in those sections.**

Sec. 10. NRS 487.650 is hereby amended to read as follows:

487.650 1. The Department may refuse to issue a license or, after notice and hearing, may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

(a) Failure of the applicant or licensee to have or maintain an established place of business in this State.

(b) Conviction of the applicant or licensee or an employee of the applicant or licensee of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(c) Any material misstatement in the application for the license.

(d) Willful failure of the applicant or licensee to comply with the motor vehicle laws of this State and NRS 487.035, ~~[487.610]~~ **487.600** to 487.690, inclusive, **and sections 2 to 8, inclusive, of this act**, or 597.480 to 597.590, inclusive.

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

(g) A finding of guilt by a court of competent jurisdiction in a case involving a fraudulent inspection, purchase, sale or transfer of a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(h) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or licensee or an employee of the applicant or licensee.

(i) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of

the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS ~~[487.610]~~ **487.600** to 487.690, inclusive, **and sections 2 to 8, inclusive, of this act**, or to determine the suitability of an applicant or a licensee for such licensure.

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

Sec. 11. NRS 487.660 is hereby amended to read as follows:

487.660 **1.** If the Director finds that the action is necessary in the public interest, upon notice to the licensee, he may ~~temporarily~~:

(a) **Temporarily** suspend or refuse to renew the license to operate a body shop for not more than 30 days.

(b) **Temporarily suspend or refuse to renew a Class A certificate of a licensed body shop for not more than 30 days.**

2. The Department shall conduct a hearing and issue a final decision on the matter within 30 days after it sends notice ~~[to the licensee]~~ of the temporary suspension ~~[]~~ **of a license or a Class A certificate, or both.**

3. **The Department shall adopt regulations:**

(a) **Prescribing the circumstances under which the Department may suspend or refuse to renew a Class A certificate; and**

(b) **Providing an appeals process for an operator of a licensed body shop whose Class A certificate has been suspended or has not been renewed.**

4. **A Class A certificate must be automatically revoked by the Department if the license to operate the body shop is suspended or revoked pursuant to NRS 487.650.**

Sec. 12. NRS 487.690 is hereby amended to read as follows:

487.690 Any person who violates any of the provisions of NRS ~~[487.610]~~ **487.600** to 487.680, inclusive, **and sections 2 to 8, inclusive, of this act** is guilty of a misdemeanor.

Assemblyman Atkinson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 594.

Remarks by Assemblyman Atkinson.

Motion carried.

Bill ordered transmitted to the Senate.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Conklin, Koivisto, and Kirkpatrick as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 335.

Madam Speaker appointed Assemblymen Conklin, Kirkpatrick, and Koivisto as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 142.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 123 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 186.

Bill read third time.

Roll call on Senate Bill No. 186:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 186 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 189.

Bill read third time.

Roll call on Senate Bill No. 189:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 189 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 253.

Bill read third time.

Roll call on Senate Bill No. 253:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 253 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 458.

Bill read third time.

Roll call on Senate Bill No. 458:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 458 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 461.

Bill read third time.

Roll call on Senate Bill No. 461:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 461 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 464.

Bill read third time.

Roll call on Senate Bill No. 464:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 464 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 544.

Bill read third time.

Roll call on Senate Bill No. 544:

YEAS—40.

NAYS—None.

NOT VOTING—Stewart.

EXCUSED—Grady.

Senate Bill No. 544 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 570.

Bill read third time.

Roll call on Senate Bill No. 570:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 570 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 201, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment Nos. 796 and 1028 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 7, which is attached to and hereby made a part of this report.

DEBBIE SMITH
MARILYN KIRKPATRICK
CHAD CHRISTENSEN

Assembly Conference Committee

WARREN HARDY
JOHN LEE
BOB BEERS

Senate Conference Committee

Conference Amendment No. CA7.

AN ACT relating to public works; authorizing a public body to contract with a construction manager at risk for the preconstruction and construction of a public work; setting forth the method for selecting a construction manager at risk; authorizing a public body to hire a construction manager as agent to assist the public body in overseeing the construction of a public work; requiring local governments to conduct a constructability review under certain circumstances before constructing certain public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-12 of this bill authorize a public body to enter into contracts with a construction manager at risk for the preconstruction and construction of a public work and provide the method for selecting a construction manager at risk. Under the construction manager at risk method for constructing a public work, a public body may enter into a contract for a negotiated price with a construction manager at risk to provide preconstruction services for the public work that include, without limitation, design support, construction estimating, value and system analysis and scheduling. After the public body has obtained the final design for the public work, the public body and the construction manager at risk are required to attempt to negotiate a contract for the construction manager at risk to construct the public work. If the public body and the construction manager at risk enter into such a contract, the contract must be for: (1) a guaranteed maximum price including the cost of the work plus a fee; (2) a fixed price; or (3) a fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work.

Section 14 of this bill requires a local government or its authorized representative to conduct a constructability review to determine if the plans and specifications for a public work are complete and contain all necessary information, if: (1) such plans and specifications are to be used for the first time on a public work; and (2) such plans and specifications are for a public work that has an estimated cost which exceeds \$10,000,000. This review must be performed by an architect registered pursuant to chapter 623 of NRS, a contractor licensed pursuant to chapter 624 of NRS or a professional engineer licensed pursuant to chapter 625 of NRS.

Sections 13 and 21 of this bill authorize a public body to employ a construction manager as agent to assist the public body in overseeing the construction of a public work. A construction manager as agent assists in the planning, scheduling and management of a public work without assuming

any responsibility for the cost, quality or timely completion of the construction of the public work. A construction manager as agent is prohibited from taking part in the design or construction of the public work.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *A public body may construct a public work by:*

1. *Selecting a construction manager at risk pursuant to the provisions of sections 4 to 8, inclusive, of this act; and*

2. *Entering into separate contracts with a construction manager at risk:*

(a) *For preconstruction services, including, without limitation:*

(1) *Assisting the public body in determining whether scheduling or design problems exist that would delay the construction of the public work;*

(2) *Estimating the cost of the labor and material for the public work; and*

(3) *Assisting the public body in determining whether the public work can be constructed within the public body's budget; and*

(b) *To construct the public work.*

Sec. 3. *To qualify to enter into contracts with a public body for preconstruction services and to construct a public work, a construction manager at risk must:*

1. *Not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for statements of qualifications pursuant to section 4 of this act;*

2. *Not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333;*

3. *Be licensed as a contractor pursuant to chapter 624 of NRS; and*

4. *If the project is for the design of a public work of the State, be qualified to bid on a public work of the State pursuant to NRS 338.1379.*

Sec. 4. 1. *A public body shall advertise for statements of qualifications for a construction manager at risk in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.*

2. *A request for a statement of qualifications published pursuant to subsection 1 must include, without limitation:*

(a) *A description of the public work;*

(b) *An estimate of the cost of construction;*

(c) *A description of the work that the public body expects a construction manager at risk to perform;*

(d) *The dates on which it is anticipated that the separate phases of the preconstruction and construction of the public work will begin and end;*

(e) *The date by which statements of qualifications must be submitted to the public body;*

(f) *If the project is a public work of the State, a statement setting forth that the construction manager at risk must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a statement of qualifications;*

(g) *The name, title, address and telephone number of a person employed by the public body that an applicant may contact for further information regarding the public work; and*

(h) *A list of the selection criteria and relative weight of the selection criteria that will be used to evaluate statements of qualifications.*

3. *A statement of qualifications must include, without limitation:*

(a) *An explanation of the experience that the applicant has with projects of similar size and scope;*

(b) *The contact information for references who have knowledge of the background, character and technical competence of the applicant;*

(c) *The applicant's preliminary proposal for managing the preconstruction and construction of the public work;*

(d) *Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;*

(e) *Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law; and*

(f) *A statement of whether the applicant has been:*

(1) *Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause; and*

(2) *Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333.*

Sec. 5. 1. *The public body shall appoint a panel consisting of at least three members to rank the statements of qualifications submitted to the public body by evaluating the statements of qualifications as required pursuant to subsections 2 and 3.*

2. *The panel shall rank the statements of qualifications by:*

(a) *Verifying that each applicant satisfies the requirements of section 3 of this act; and*

(b) *Conducting an evaluation of the qualifications of each applicant based on the factors and relative weight assigned to each factor that the public body specified in the request for statements of qualifications advertised pursuant to section 4 of this act.*

3. *When ranking the statements of qualifications, the panel shall assign a relative weight of 5 percent to the possession of a certificate of eligibility to receive a preference in bidding on public works.*

4. *After the panel ranks the statements of qualifications, the public body shall:*

- (a) Make available to the public the rankings of the applicants; and*
- (b) Except as otherwise provided in subsection 5, select at least the two but not more than the five applicants that the panel determined to be most qualified as finalists to submit final proposals to the public body pursuant to section 6 of this act.*

5. *If the public body did not receive at least two statements of qualifications from applicants that the panel determines to be qualified pursuant to this section and section 3 of this act, the public body may not contract with a construction manager at risk.*

Sec. 6. 1. *After the finalists are selected pursuant to paragraph (b) of subsection 4 of section 5 of this act, the public body shall provide to each finalist a request for final proposals. The request for final proposals must:*

- (a) Set forth the date by which final proposals must be submitted to the public body;*
- (b) Set forth the proposed forms of the contract to assist in the preconstruction of the public work and the contract to construct the public work that include, without limitation, the proposed terms and general conditions of the contracts; and*
- (c) Set forth the selection criteria and relative weight of the selection criteria that will be used to evaluate the final proposals.*

2. *A final proposal must include, without limitation:*

- (a) The professional qualifications and experience of the applicant, including, without limitation, the resumes of any employees of the applicant who will be managing the preconstruction and construction of the public work;*
- (b) The performance history of the applicant concerning other recent, similar projects completed by the applicant, if any;*
- (c) The safety programs established and the safety records accumulated by the applicant;*
- (d) The proposed plan of the applicant to manage the preconstruction and construction of the public work, which plan sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work; and*
- (e) A proposed plan of the applicant for the selection of any necessary subcontractors.*

Sec. 7. 1. *The panel appointed by the public body pursuant to section 5 of this act shall evaluate and assign a score to each of the final proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for final proposals. The panel shall interview the two or three applicants whose final proposals received the highest scores. After conducting such interviews, the panel shall rank the applicants based on the final proposals and interviews, which must be given equal weight.*

2. Upon receipt of the final rankings of the applicants from the panel, the public body shall enter into negotiations with the most qualified applicant determined pursuant to subsection 1 for a contract for preconstruction services. If the public body is unable to negotiate a contract with the most qualified applicant at an amount of compensation that the public body and the most qualified applicant determine to be fair and reasonable, the public body shall terminate negotiations with that applicant. The public body may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached or a determination is made by the public body to reject all applicants.

3. The public body shall make available to the applicants and the public the results of the evaluations of final proposals and interviews conducted pursuant to subsection 1 and the final rankings of the applicants.

Sec. 8. 1. If a public body enters into a contract with a construction manager at risk for preconstruction services pursuant to section 7 of this act, after the public body has finalized the design for the public work, the public body shall enter into negotiations with the construction manager at risk for a contract to construct the public work for the public body for:

- (a) The cost of the work, plus a fee, with a guaranteed maximum price;
- (b) A fixed price; or
- (c) A fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work.

2. If the public body is unable to negotiate a satisfactory contract with the construction manager at risk to construct the public work, the public body:

- (a) Shall terminate negotiations with that applicant; and
- (b) May award the contract for the public work:
 - (1) If the public body is not a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive.
 - (2) If the public body is a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive, or 338.143 to 338.148, inclusive, and section 14 of this act.

Sec. 9. A contract entered into pursuant to section 8 of this act that is for a guaranteed maximum price may include a provision that authorizes the construction manager at risk to receive all or part of any difference between the guaranteed maximum price set forth in the contract and the actual price of construction of the public work, if the actual price is less than the guaranteed maximum price.

Sec. 10. A contract awarded to a construction manager at risk pursuant to section 7 or 8 of this act:

- 1. Must comply with the provisions of NRS 338.020 to 338.090, inclusive.
- 2. Must specify a date by which performance of the work required by the contract must be completed.

3. *May set forth the terms by which the construction manager at risk agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the construction manager at risk.*

4. *Must require that the construction manager at risk to whom a contract is awarded assume overall responsibility for ensuring that the preconstruction or construction of the public work, as applicable, is completed in a satisfactory manner.*

5. *May include such additional provisions as may be agreed upon by the public body and the construction manager at risk.*

Sec. 11. *A construction manager at risk who enters into a contract for the construction of a public work pursuant to section 8 of this act:*

1. *Is responsible for contracting for the services of any necessary subcontractor, supplier or independent contractor necessary for the construction of the public work and for the performance of and payment to any such subcontractors, suppliers or independent contractors.*

2. *If the public work involves the construction of a fixed work that is described in subsection 2 of NRS 624.215, shall perform not less than 25 percent of the construction of the fixed work himself or using his own employees.*

3. *If the public work involves the construction of a building or structure that is described in subsection 3 of NRS 624.215, may perform himself or using his own employees as much of the construction of the building or structure that the construction manager at risk is able to demonstrate that he or his own employees have performed on similar projects.*

Sec. 12. 1. ~~##~~ To be eligible to provide materials, equipment, work or other services on a public work for which a construction manager at risk [to whom a contract for the construction of a public work is] was awarded a contract pursuant to section 8 of this act [wishes to enter into a contract with a subcontractor to provide materials, equipment, work or other services on the public work, the], a subcontractor must be:

(a) *Licensed pursuant to chapter 624 of NRS; and*

(b) *Selected by the construction manager at risk based on the process of competitive bidding set forth in the applicable provisions of NRS 338.1373 to 338.148, inclusive.*

2. *A construction manager at risk to whom a contract for the construction of a public work is awarded pursuant to section 8 of this act shall submit to the public body that awarded the contract a list containing the names of each subcontractor with whom the construction manager at risk ~~entered~~ intends to enter into a contract for the provision of materials, equipment, work or other services on the public work.*

Sec. 13. 1. *A construction manager as agent:*

(a) *Must:*

(1) *Be a contractor licensed pursuant to chapter 624 of NRS;*

(2) Hold a certificate of registration to practice architecture, interior design or residential design pursuant to chapter 623 of NRS; or

(3) Be licensed as a professional engineer pursuant to chapter 625 of NRS.

(b) May enter into a contract with a public body to assist in the planning, scheduling and management of the construction of a public work without assuming any responsibility for the cost, quality or timely completion of the construction of the public work. A construction manager as agent who enters into a contract with a public body pursuant to this section may not take part in the design or construction of the public work.

2. A contract between a public body and a construction manager as agent is not required to be awarded by competitive bidding.

Sec. 14. *1. Before a local government or its authorized representative advertises for bids for a contract for a public work, the local government or its authorized representative shall perform a review of the approved plans and specifications to determine if the plans and specifications are complete and contain all necessary information and specifications to construct the public work, if:*

(a) The plans and specifications are to be used for the first time on a public work; and

(b) The plans and specifications are for a public work that has an estimated cost which exceeds \$10,000,000.

2. A constructability review required pursuant to subsection 1 must be performed by an architect registered pursuant to chapter 623 of NRS, a contractor licensed pursuant to chapter 624 of NRS or a professional engineer licensed pursuant to chapter 625 of NRS and must include, without limitation:

(a) A determination of whether a competent contractor would be able to construct the public work based on the approved plans and specifications; and

(b) A review of the approved plans and specifications for the public work for completeness, clarity and economic feasibility.

3. If the local government or its authorized representative does not employ a person who has the expertise to perform a constructability review as described in subsection 2, the local government or its authorized representative must contract with an independent third party who is an architect registered pursuant to chapter 623 of NRS, a contractor licensed pursuant to chapter 624 of NRS or a professional engineer licensed pursuant to chapter 625 of NRS to perform the constructability review. A contract entered into pursuant to this section between a local government or its authorized representative and an independent third party is not required to be awarded by competitive bidding.

Sec. 15. NRS 338.1373 is hereby amended to read as follows:

338.1373 *1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of:*

- (a) NRS 338.1377 to 338.139, inclusive;
- (b) NRS 338.143 to 338.148, inclusive ~~[- or]~~, **and section 14 of this act;**
- (c) NRS 338.1711 to 338.1727, inclusive ~~[-]~~; **or**
- (d) Sections 2 to 12, inclusive, of this act.**

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, **and sections 2 to 12, inclusive, of this act,** do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.

Sec. 16. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9 and NRS 338.1906 and 338.1907, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds \$100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is \$100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the bidder who has submitted the lowest responsive and responsible bid.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~or~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive [];

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 17. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds \$100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and having a general circulation within the county.

(b) Commence a public work for which the estimated cost is \$100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~or~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[-]~~;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 18. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 8 and NRS 338.1907, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds \$100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is \$100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 and 338.1446.

(c) Divide a project work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~or~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~and~~;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 19. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 8, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds \$100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published within the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation within the county.

(b) Commence a public work for which the estimated cost is \$100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 or 338.1446.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~or~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~+~~;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 20. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to 338.168, inclusive, **and sections 2 to 12, inclusive, of this act**, a

public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds \$100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work:

(a) Is the construction of a park and appurtenances thereto, the rehabilitation or remodeling of a public building, or the construction of an addition to a public building; or

(b) Has an estimated cost which exceeds \$10,000,000.

Sec. 21. NRS 338.1717 is hereby amended to read as follows:

338.1717 A public body may employ a registered architect, **general contractor, construction manager as agent**, landscape architect or licensed professional engineer as a consultant to assist the public body in overseeing the construction of a public work. An architect, **general contractor, construction manager as agent**, landscape architect or engineer so employed shall not:

1. Construct the public work; or

2. Assume overall responsibility for ensuring that the construction of the public work is completed in a satisfactory manner.

Sec. 22. 1. This section and sections 1 to 16, inclusive, 18, 20 and 21 of this act become effective on October 1, 2007.

2. Sections 16 and 18 of this act expire by limitation on April 30, 2013.

3. Sections 17 and 19 of this act become effective on May 1, 2013.

Assemblywoman Smith moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 201.

Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

Assemblyman Ocegüera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 4:57 p.m.

ASSEMBLY IN SESSION

At 4:59 p.m.

Madam Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen McClain, Gerhardt, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 182.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 585, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 713 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 10, which is attached to and hereby made a part of this report.

KATHY MCCLAIN
WILLIAM HORNE
VALERIE WEBER

Assembly Conference Committee

MIKE MCGINNESS
BOB COFFIN
MARK AMODEI

Senate Conference Committee

Conference Amendment No. CA10.

AN ACT relating to public financial administration; providing the rate of interest to be paid on overpayments of taxes on real or personal property; making various changes to other provisions governing taxes on real or personal property; making various changes concerning certain agreements and claims regarding unclaimed property held by a county treasurer; revising provisions governing calculation of the interest that a public body must pay to a contractor on amounts withheld from progress payments on public works; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, unless a specific statute provides otherwise, a taxpayer is entitled to interest on an overpayment of taxes at a rate equal to the prime rate plus 2 percent. (NRS 360.2935) Section 2 of this bill provides that the rate of interest to be paid on overpayments of real or personal property taxes is 0.5 percent per month.

~~[Section 3 of this bill requires that a person who enters into certain agreements to locate, deliver, recover or assist in the recovery of any remaining excess proceeds of a sale by a county treasurer of real property for which delinquent property taxes have not been paid must be licensed as a private investigator in this State.]~~

Under existing law, a taxpayer who wishes to have certain determinations concerning partial abatements from taxation reviewed must submit a written petition to the county tax receiver. (NRS 361.4734) Section 4 of this bill requires such a petition to be submitted to the county assessor instead of the tax receiver.

Under existing law, small overpayments or deficiencies of personal property taxes do not have to be refunded to or collected from a taxpayer. (NRS 361.485) Section 5 of this bill provides similar treatment for overpayments or deficiencies of real property taxes.

Section 6 of this bill provides a county and its officers and employees with immunity from liability for failure to provide actual notice of delinquent taxes in accordance with NRS 361.5648 under certain circumstances.

Existing law requires the tax receiver of a county to issue to the county treasurer each year a trustee’s certificate which describes each property on

which delinquent taxes have not been paid. (NRS 361.570) Section 7 of this bill requires that the certificate include not just taxes, but also penalties, interest and costs that have not been paid.

Existing law authorizes certain reconveyances of property held in trust by a county treasurer on which delinquent taxes have not been paid. (NRS 361.585) Section 8 of this bill revises the categories of persons to whom such a reconveyance may be made and repeals the requirements for an agreement to locate, deliver, recover or assist in the recovery of such property.

Section 11 of this bill eliminates the requirement in NRS 361.605 that a county treasurer file with the county auditor a monthly statement of the amount of property sold and rents collected from property that the county treasurer is holding in trust for nonpayment of taxes.

Existing law provides for the disposition of the proceeds of a sale by a county treasurer of real property on which delinquent taxes have not been paid. (NRS 361.610) Section 12 of this bill establishes a procedure to recover any excess proceeds from such a sale and sets forth certain requirements for an agreement to locate, deliver, recover or assist in the recovery of such excess proceeds. Section 12 also provides that certain persons who are entitled to recover property from the county treasurer may authorize a person pursuant to a power of attorney, assignment or other legal instrument to file a claim and collect from the county treasurer any money owed to him, and provides immunity for a county for any losses resulting from the approval of such a claim if the claim is paid by the county treasurer in accordance with the provisions of the legal instrument.

Section 15 of this bill revises the method set forth in NRS 338.515 to calculate the interest that a public body must pay to a contractor on amounts withheld from progress payments on public works.

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

Section 1. Chapter 361 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. **1. Except as otherwise provided in subsection 2 and NRS 361.485, interest must be paid on an overpayment of the taxes imposed by this chapter at the rate of 0.5 percent per month, or fraction thereof, from the last day of the calendar month in which the overpayment was made to the last day of the calendar month in which a refund is made.**

2. No interest is allowed:

(a) On a refund of any penalty or interest paid by a taxpayer; or

(b) If the ex officio tax receiver determines that the overpayment was made intentionally or by reason of carelessness.

Sec. 3. ~~1. Any person who, pursuant to an agreement described in subsection 10 of NRS 361.610, locates, delivers, recovers or assists in the recovery of any remaining excess proceeds of a sale of property held in trust by a county treasurer by virtue of any deed made pursuant to the provisions~~

~~of this chapter, including a person who files a claim for recovery of the remaining excess proceeds on behalf of any person described in subsection 4 of NRS 361.585, must be licensed as a private investigator pursuant to chapter 648 of NRS.~~

~~2. Any person who, pursuant to an agreement described in subsection 10 of NRS 361.610, files a claim for recovery of any remaining excess proceeds pursuant to NRS 361.610 must submit proof of compliance with the provisions of subsection 1 when he files the claim with the county treasurer. The county treasurer shall not accept a claim for recovery of the remaining excess proceeds without proof of compliance. (Deleted by amendment.)~~

Sec. 4. NRS 361.4734 is hereby amended to read as follows:

361.4734 1. A taxpayer who is aggrieved by a determination of the applicability of a partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or 361.4724 may, if the property which is the subject of that determination:

(a) Is not valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the ~~{tax receiver}~~ **county assessor** of the county in which the property is located. The ~~{tax receiver shall, after consulting with the}~~ county assessor ~~{of that county regarding the determination and}~~ **shall**, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

(b) Is valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the Department. The Department shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

2. A taxpayer who is aggrieved by a decision rendered by a ~~{tax receiver}~~ **county assessor** or the Department pursuant to subsection 1 may, within 30 days after receiving notice of that decision, appeal the decision to the Nevada Tax Commission.

3. A taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to subsection 2 is entitled to a judicial review of that determination.

Sec. 5. NRS 361.485 is hereby amended to read as follows:

361.485 1. Whenever any tax is paid to the ex officio tax receiver, he shall appropriately record ~~{such}~~ **the** payment and the date thereof on the tax roll contiguously with the name of the person or the description of the property liable for ~~{such}~~ **the** taxes, and shall give a receipt for ~~{such}~~ **the** payment if requested by the taxpayer.

2. If the assessment roll is maintained on magnetic storage files in a computer system, the requirement of subsection 1 is met if the system is capable of producing, as printed output, the assessment roll with the dates of payments shown opposite the name of the person or the description of the property liable for ~~{such}~~ **the** taxes.

3. If the amount of ~~{an overpayment of taxes for}~~ **taxes paid on** personal property :

(a) Results in an overpayment that is less than the average cost of collecting property taxes in this State as determined by the Nevada Tax Commission, the ex officio tax receiver shall pay the amount of the overpayment into the county treasury ~~for~~ for the benefit of the general fund of the county, unless the taxpayer who made the overpayment requests a refund ~~for~~ **within 6 months after the original payment.** All interest paid on money deposited in the ~~account~~ **county treasury** pursuant to this ~~subsection~~ **paragraph** is the property of the county. ~~All requests for refunds under this section must be made within 6 months after the original payment.~~

~~4. A deficiency in the amount of a payment of taxes for personal property;~~

(b) Results in a deficiency, the amount of the deficiency, other than a payment for a penalty, must be exempted from collection if the amount of the deficiency is less than the average cost of collecting property taxes in this state as determined by the Nevada Tax Commission.

4. If the amount of taxes paid on real property:

(a) Results in an overpayment that does not exceed the amount due by more than \$5, the ex officio tax receiver shall pay the amount of the overpayment into the county treasury for the benefit of the general fund of the county, unless the taxpayer who made the overpayment requests a refund within 6 months after the original payment. All interest paid on money deposited in the county treasury pursuant to this paragraph is the property of the county.

(b) Results in a deficiency that is \$5 or less than the amount due, the ex officio tax receiver may exempt the amount of the deficiency from collection.

Sec. 6. NRS 361.5648 is hereby amended to read as follows:

361.5648 1. Within 30 days after the first Monday in March of each year, with respect to each property on which the tax is delinquent, the tax receiver of the county shall mail notice of the delinquency by first-class mail to:

- (a) The owner or owners of the property;
- (b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at their last known addresses, if the names and addresses are known; and
- (c) Each holder of a recorded security interest if the holder has made a request in writing to the tax receiver for the notice, which identifies the secured property by the parcel number assigned to it in accordance with the provisions of NRS 361.189.

2. The notice of delinquency must state:

- (a) The name of the owner of the property, if known.
- (b) The description of the property on which the taxes are a lien.
- (c) The amount of the taxes due on the property and the penalties and costs as provided by law.

(d) That if the amount is not paid by the taxpayer or his successor in interest:

(1) The tax receiver will, at 5 p.m. on the first Monday in June of the current year, issue to the county treasurer, as trustee for the State and county, a certificate authorizing him to hold the property, subject to redemption within 2 years after the date of the issuance of the certificate, by payment of the taxes and accruing taxes, penalties and costs, together with interest on the taxes at the rate of 10 percent per annum, *assessed monthly*, from the date due until paid as provided by law, except as otherwise provided in NRS 360.232 and 360.320, and that redemption may be made in accordance with the provisions of chapter 21 of NRS in regard to real property sold under execution.

(2) A tax lien may be sold against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive.

3. Within 30 days after mailing the original notice of delinquency, the tax receiver shall issue his personal affidavit to the board of county commissioners affirming that due notice has been mailed with respect to each parcel. The affidavit must recite the number of letters mailed, the number of letters returned and the number of letters finally determined to be undeliverable. Until the period of redemption has expired, the tax receiver shall maintain detailed records which contain such information as the Department may prescribe in support of his affidavit.

4. A second copy of the notice of delinquency must be sent by certified mail, not less than 60 days before the expiration of the period of redemption as stated in the notice.

5. The cost of each mailing must be charged to the delinquent taxpayer.

6. A county and its officers and employees are not liable for any damages resulting from failure to provide actual notice pursuant to this section if the county, officer or employee, in determining the names and addresses of persons with an interest in the property, relies upon a preliminary title search from a company authorized to provide title insurance in this State.

Sec. 7. NRS 361.570 is hereby amended to read as follows:

361.570 1. Pursuant to the notice given as provided in NRS 361.5648 and 361.565 and at the time stated in the notice, the tax receiver shall make out a certificate that describes each property on which delinquent taxes, *penalties, interest and costs* have not been paid. The certificate authorizes the county treasurer, as trustee for the State and county, to hold each property described in the certificate for the period of 2 years after the first Monday in June of the year the certificate is dated, unless sooner redeemed.

2. The certificate must specify:

(a) The amount of delinquency on each property, including the amount and year of assessment;

(b) The taxes, and the penalties and costs added thereto, on each property, and that, except as otherwise provided in NRS 360.232 and 360.320, interest

on the taxes will be added at the rate of 10 percent per annum , *assessed monthly*, from the date due until paid; and

(c) The name of the owner or taxpayer of each property, if known.

3. The certificate must state:

(a) ~~And it is hereby provided:~~

~~(1)~~ That each property described in the certificate may be redeemed within 2 years after the date of the certificate; ~~and~~

~~(2)~~ *(b)* That the title to each property not redeemed vests in the county for the benefit of the State and county ~~[-~~

~~(b)~~; *and*

(c) That a tax lien may be sold against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive.

4. Until the expiration of the period of redemption, each property held pursuant to the certificate must be assessed annually to the county treasurer as trustee . ~~[- and before]~~ *Before* the owner or his successor redeems the property, he ~~[shall]~~ *must* also pay the county treasurer holding the certificate any additional taxes , *penalties and costs* assessed and accrued against the property after the date of the certificate, together with interest on the taxes at the rate of 10 percent per annum , *assessed monthly*, from the date due until paid, unless otherwise provided in NRS 360.232 and 360.320.

5. A county treasurer shall take a certificate issued to him pursuant to this section. The county treasurer may cause the certificate to be recorded in the office of the county recorder against each property described in the certificate to provide constructive notice of the amount of delinquent taxes on each property respectively. The certificate reflects the amount of delinquent taxes , *penalties, interest and costs* due on the properties described in the certificate on the date on which the certificate was recorded, and the certificate need not be amended subsequently to indicate *additional taxes, penalties, interest and costs assessed and accrued or* the repayment of any of those delinquent ~~[taxes.]~~ *amounts*. The recording of the certificate does not affect the statutory lien for taxes provided in NRS 361.450.

Sec. 8. NRS 361.585 is hereby amended to read as follows:

361.585 1. When the time allowed by law for the redemption of a property described in a certificate has expired ~~[-]~~ and no redemption has been made, the tax receiver who issued the certificate, or his successor in office, shall execute and deliver to the county treasurer a deed of the property in trust for the use and benefit of the State and county and any officers having fees due them.

2. The county treasurer and his successors in office, upon obtaining a deed of any property in trust under the provisions of this chapter, shall hold that property in trust until it is sold or otherwise disposed of pursuant to the provisions of this chapter.

3. Notwithstanding the provisions of NRS 361.595 or 361.603, at any time during the 90-day period specified in NRS 361.603, or before the public notice of sale by a county treasurer, pursuant to NRS 361.595, of any

property held in trust by him by virtue of any deed made pursuant to the provisions of this chapter, any person specified in subsection 4 is entitled to have the property reconveyed upon payment to the county treasurer of an amount equal to the taxes accrued, together with any costs, penalties and interest legally chargeable against the property. A reconveyance may not be made after expiration of the 90-day period specified in NRS 361.603 or after commencement of posting or publication of public notice pursuant to NRS 361.595.

4. Property may be reconveyed pursuant to subsection 3 to one or more of the persons specified in the following categories, or to one or more persons within a particular category, as their interests may appear of record:

- (a) The owner.
- (b) The beneficiary under a *note and* deed of trust.
- (c) The mortgagee under a mortgage.
- (d) *The creditor under a judgment.*
- (e) The person to whom the property was assessed.

~~[(e)]~~ (f) The person holding a contract to purchase the property before its conveyance to the county treasurer.

~~[(f)]~~ (g) The successor in interest of any person specified in this subsection.

5. ~~Any agreement to locate, deliver, recover or assist in the recovery of any property held in trust by a county treasurer by virtue of any deed made pursuant to the provisions of this chapter:~~

~~(a) Must:~~

- ~~(1) Be in writing.~~
- ~~(2) Be signed by one or more of the persons identified in subsection 4.~~
- ~~(3) Include a description of the property.~~
- ~~(4) Include the value of the property.~~

~~(b) Must not impose a fee that is more than 10 percent of the total value of the property.~~

~~6.]~~ The provisions of this section apply to land held in trust by a county treasurer on or after April 17, 1971.

Sec. 9. NRS 361.590 is hereby amended to read as follows:

361.590 1. If a property described in a certificate is not redeemed within the time allowed by law for its redemption, the tax receiver or his successor in office shall make to the county treasurer as trustee for the State and county a deed of the property, reciting in the deed substantially the matters contained in the certificate of sale or, in the case of a conveyance under NRS 361.604, the order of the board of county commissioners, and that no person has redeemed the property during the time allowed for its redemption.

2. The deed must be recorded in the office of the county recorder within 30 days after the date of expiration of the period of redemption.

3. All such deeds are, except as against actual fraud, conclusive evidence that:

- (a) The property was assessed as required by law.
- (b) The property was equalized as required by law.
- (c) The taxes were levied in accordance with law.
- (d) The taxes were not paid.
- (e) At a proper time and place a certificate of delinquency was filed as prescribed by law, and by the proper officer.
- (f) The property was not redeemed.
- (g) The person who executed the deed was the proper officer.

4. Such deeds are, except as against actual fraud, conclusive evidence of the regularity of all other proceedings, from the assessment by the county assessor to the execution of the deed.

5. ~~The~~ *Except as otherwise provided by specific statute, the* deed conveys to the county treasurer as trustee for the State and county the property described therein, free of all encumbrances, except any easements of record for public utility purposes, any lien for taxes or assessments by any irrigation or other district for irrigation or other district purposes, and any interest and penalties on the property, except when the land is owned by the United States or this State, in which case it is prima facie evidence of the right of possession accrued as of the date of the deed to the purchaser, but without prejudice to the lien for other taxes or assessments or the claim of any such district for interest or penalties.

6. No tax assessed upon any property, or sale therefor, may be held invalid by any court of this State on account of:

- (a) Any irregularity in any assessment;
 - (b) Any assessment or tax roll not having been made or proceeding had within the time required by law; or
 - (c) Any other irregularity, informality, omission, mistake or want of any matter of form or substance in any proceedings which the Legislature might have dispensed with in the first place if it had seen fit so to do, and that does not affect the substantial property rights of persons whose property is taxed.
- ➔ All such proceedings in assessing and levying taxes, and in the sale and conveyance therefor, must be presumed by all the courts of this State to be legal until the contrary is shown affirmatively.

Sec. 10. NRS 361.595 is hereby amended to read as follows:

361.595 1. Any property held in trust by any county treasurer by virtue of any deed made pursuant to the provisions of this chapter may be sold and conveyed in the manner prescribed in this section and in NRS 361.603 or conveyed without sale as provided in NRS 361.604.

2. If the property is to be sold, the board of county commissioners may make an order, to be entered on the record of its proceedings, directing the county treasurer to sell the property particularly described therein, after giving notice of sale, for a total amount not less than the amount of the taxes, costs, penalties and interest legally chargeable against the property as stated in the order.

3. Notice of the sale must be:

(a) Posted in at least three public places in the county, including one at the courthouse and one on the property, not less than 20 days before the day of sale or, in lieu of such a posting, by publication of the notice for 20 days in some newspaper published within the county, if the board of county commissioners so directs.

(b) Mailed by certified mail, return receipt requested, not less than 90 days before the sale, to the owner of the parcel as shown on the tax roll and to any person or governmental entity that appears in the records of the county to have a lien or other interest in the property. If the receipt is returned unsigned, the county treasurer must make a reasonable attempt to locate and notify the owner or other person or governmental entity before the sale.

4. Upon compliance with such an order the county treasurer shall make, execute and deliver to any purchaser, upon payment to him, as trustee, of a consideration not less than that specified in the order, ~~{an absolute}~~ **a quitclaim** deed, discharged of any trust of the property mentioned in the order.

5. Before delivering any such deed, the county treasurer shall record the deed at the expense of the purchaser.

6. All such deeds, whether issued before, on or after July 1, 1955, are primary evidence:

(a) Of the regularity of all proceedings relating to the order of the board of county commissioners, the notice of sale and the sale of the property; and

(b) That, if the real property was sold to pay taxes on personal property, the real property belonged to the person liable to pay the tax.

7. No such deed may be executed and delivered by the county treasurer until he files at the expense of the purchaser, with the clerk of the board of county commissioners, proper affidavits of posting and of publication of the notice of sale, as the case may be, together with his return of sale, verified, showing compliance with the order of the board of county commissioners, which constitutes primary evidence of the facts recited therein.

8. If the deed when regularly issued is not recorded in the office of the county recorder, the deed, and all proceedings relating thereto, is void as against any subsequent purchaser in good faith and for a valuable consideration of the same property, or any portion thereof, when his own conveyance is first recorded.

9. The board of county commissioners shall provide its clerk with a record book in which must be indexed the name of each purchaser, together with the date of sale, a description of the property sold, a reference to the book and page of the minutes of the board of county commissioners where the order of sale is recorded, and the file number of the affidavits and return.

Sec. 11. NRS 361.605 is hereby amended to read as follows:

361.605 ~~{1. While such}~~ **While** property is held in trust ~~{,}~~ as provided in this chapter, the county treasurer, or his successor in office, ~~{shall}~~ **may** collect any rents arising from the property during the time ~~{such}~~ **the** property is subject to redemption. After the time of redemption has expired, until

~~[such property can be sold, he]~~ ***the property is sold, the county treasurer, or his successor in office,*** may rent the ~~[same,]~~ ***property,*** with the approval of the board of county commissioners, for a price to be fixed in its minutes. ~~[Such rents shall]~~ ***The rents must*** be paid out by the county treasurer, or his successor in office, ~~[as follows:~~

~~(a) For the payment of costs and taxes for which it was sold, with the percentage allowed for redemption.~~

~~(b) For]~~ ***for*** the payment of any taxes , ***penalties, interest and costs already assessed and*** afterward accruing upon ~~[such property.~~

~~(c) Any balance, into the general fund of his county.~~

~~2. The price for which any property shall be sold shall be appropriated in the same manner as the rents are directed to be paid in this section.~~

~~3. On the first Monday in each month, the county treasurer, or his successor in office, shall file in the office of the county auditor a monthly statement of the amount of property sold and rents collected during the past month. Upon any money being paid to the county treasurer for purchase or rent, the county treasurer shall give a statement of the amount thereof to the person, who shall file the same with the county auditor, and the county auditor shall give the person paying such money a receipt for the same, as having been paid to the county treasurer, and expressing the purpose of consideration upon which such payment was made.]~~ ***the property.***

Sec. 12. NRS 361.610 is hereby amended to read as follows:

361.610 1. Out of the sale price or rents of any property of which he is trustee, the county treasurer shall pay the costs due any officer for the enforcement of the tax upon the parcel of property and all taxes owing thereon, and upon the redemption of any property from him as trustee, he shall pay the redemption money over to any officers having fees due them from the parcels of property and pay the tax for which it was sold and pay the redemption percentage according to the proportion those fees respectively bear to the tax.

2. In no case may ~~[any]~~ :

~~(a) Any~~ service rendered by any officer under this chapter become or be allowed as a charge against the county ~~[, nor may the]~~ ; ***or***

~~(b) The~~ sale price or rent or redemption money of any one parcel of property be appropriated to pay any cost or tax upon any other parcel of property than that so sold, rented or redeemed.

3. After paying all the tax and costs upon any one parcel of property, the county treasurer shall pay into the general fund of the county, from the excess proceeds of the sale:

(a) The first \$300 of the excess proceeds; and

(b) Ten percent of the next \$10,000 of the excess proceeds.

4. The amount remaining after the county treasurer has paid the ~~[amount]~~ ***amounts*** required by subsection 3 must be deposited in an interest-bearing account maintained for the purpose of holding excess proceeds separate from other money of the county. If no claim is made for the ~~[money within 2~~

~~years}~~ *excess proceeds within 1 year* after the deed given by the county treasurer is recorded, the county treasurer shall pay the money into the general fund of the county, and it must not thereafter be refunded to the former property owner or his successors in interest. All interest paid on money deposited in the account required by this subsection is the property of the county.

5. If a person who would have been entitled to receive reconveyance of the property pursuant to NRS 361.585 makes a claim in writing for the ~~balance within 2 years}~~ *excess proceeds within 1 year* after the deed is recorded, the county treasurer shall pay ~~it or his}~~ *the claim or the* proper portion *of the claim* over to ~~him if he}~~ *the person if the county treasurer* is satisfied that the person is entitled to it.

6. *A claim for excess proceeds must be paid out in the following order of priority to:*

(a) *The persons specified in paragraphs (b), (c), (d) and (g) of subsection 4 of NRS 361.585 in the order of priority of the recorded liens; and*

(b) *Any person specified in paragraphs (a), (e) and (f) of subsection 4 of NRS 361.585.*

7. *The county treasurer shall approve or deny a claim within 30 days after the period described in subsection 4 for filing a claim has expired. Any records or other documents concerning a claim shall be deemed the working papers of the county treasurer and are confidential. If more than one person files a claim, and the county treasurer is not able to determine who is entitled to the excess proceeds, the matter must be submitted to mediation.*

8. *If the mediation is not successful, the county treasurer shall:*

(a) *Conduct a hearing to determine who is entitled to the excess proceeds; or*

(b) *File an action for interpleader.*

9. *A person who is aggrieved by a determination of the county treasurer pursuant to this section may, within 90 days after he receives notice of the determination, commence an action for judicial review of the determination in district court.*

10. *Any agreement to locate, deliver, recover or assist in the recovery of remaining excess proceeds of a sale which is entered into by a person who would have been entitled to receive reconveyance of the property pursuant to subsection 4 of NRS 361.585 must:*

(a) *Be in writing.*

(b) *Be signed by the person who would have been entitled to receive reconveyance.*

(c) *Not provide for a fee of more than 10 percent of the total remaining excess proceeds of the sale due that person.*

11. *In addition to authorizing a person pursuant to an agreement described in subsection 10 to file a claim and collect from the county*

treasurer any property owed to him, a person described in subsection 4 of NRS 361.585 may authorize a person pursuant to a power of attorney, assignment or any other legal instrument to file a claim and collect from the county treasurer any property owed to him. The county is not liable for any losses resulting from the approval of the claim if the claim is paid by the county treasurer in accordance with the provisions of the legal instrument.

Sec. 13. NRS 361.620 is hereby amended to read as follows:

361.620 The additional penalties , *interest* and costs provided for in this chapter ~~shall~~ *must* be paid into the county general fund for the use of the county.

Sec. 14. NRS 361.635 is hereby amended to read as follows:

361.635 1. ~~Within 3 days after making the publication required by NRS 361.565, or after the last publication if more than one is made,~~ *Not later than the second Monday in June*, the county treasurer:

(a) ~~Shall~~ *May, and shall when directed by the board of county commissioners*, prepare and deliver to the district attorney of ~~his~~ *the* county a list certified ~~to by him~~ *by the county treasurer* of all accumulated delinquent taxes, exclusive of penalties and assessments of benefits of irrigation districts, of the sum of \$3,000 or more.

(b) *May* prepare and deliver to the district attorney of ~~his~~ *the* county, a list certified ~~to by him~~ *by the county treasurer* of all accumulated delinquent taxes, exclusive of penalties and assessments of benefits of irrigation districts, of the sum of \$1,000 or more but less than \$3,000.

2. If the delinquent taxes specified in the certified list , and penalties , *interest* and costs , are not paid to the county treasurer as ex officio tax receiver within 20 days after the date of delivery of the certified list to the district attorney, the district attorney may, and shall when directed by the board of county commissioners, immediately commence an action for the collection of the delinquent taxes, penalties , *interest* and costs.

3. The remedy prescribed by this section is in addition to any other remedies provided by law for the collection of delinquent taxes ~~+~~ , *penalties, interest and costs.*

Sec. 15. NRS 338.515 is hereby amended to read as follows:

338.515 1. Except as otherwise provided in NRS 338.525, a public body and its officers or agents awarding a contract for a public work shall pay or cause to be paid to a contractor the progress payments due under the contract within 30 days after the date the public body receives the progress bill or within a shorter period if the provisions of the contract so provide. Not more than 90 percent of the amount of any progress payment may be paid until 50 percent of the work required by the contract has been performed. Thereafter , the public body may pay any of the remaining progress payments without withholding additional retainage if, in the opinion of the public body, satisfactory progress is being made in the work.

2. Except as otherwise provided in NRS 338.525, a public body shall identify in the contract and pay or cause to be paid to a contractor the actual cost of the supplies, materials and equipment that:

- (a) Are identified in the contract;
- (b) Have been delivered and stored at a location, and in the time and manner, specified in a contract by the contractor or a subcontractor or supplier for use in a public work; and
- (c) Are in short supply or were specially made for the public work,
 - ↳ within 30 days after the public body receives a progress bill from the contractor for those supplies, materials or equipment.

3. A public body shall pay or cause to be paid to the contractor at the end of each quarter interest for the quarter on any amount withheld by the public body pursuant to NRS 338.400 to 338.645, inclusive, at a rate equal to the rate quoted by at least three ~~[financial institutions]~~ **insured banks, credit unions or savings and loan associations in this State** as the highest rate paid on a certificate of deposit whose duration is approximately 90 days on the first day of the quarter. If the amount due to a contractor pursuant to this subsection for any quarter is less than \$500, the public body may hold the interest until:

- (a) The end of a subsequent quarter after which the amount of interest due is \$500 or more;
- (b) The end of the fourth consecutive quarter for which no interest has been paid to the contractor; or
- (c) The amount withheld under the contract is due pursuant to NRS 338.520,
 - ↳ whichever occurs first.

4. If the Labor Commissioner has reason to believe that a workman is owed wages by a contractor or subcontractor, he may require the public body to withhold from any payment due the contractor under this section and pay the Labor Commissioner instead, an amount equal to the amount the Labor Commissioner believes the contractor owes to the workman. This amount must be paid ~~[to the workman]~~ by the Labor Commissioner **to the workman** if the matter is resolved in his favor, otherwise it must be returned to the public body for payment to the contractor.

Sec. 16. NRS 361.575 is hereby repealed.

Sec. 17. ~~[1. This section and sections 1, 2 and 4 to 16, inclusive, of this act become]~~ **This act becomes** effective on July 1, 2007.

~~[2. Section 3 of this act becomes effective on January 1, 2008.]~~

TEXT OF REPEALED SECTION

361.575 Property held in trust by county treasurer: Annual assessment; payment of taxes on sale or rental.

1. During the time a county treasurer holds a certificate for any property under the provisions of this chapter and until the expiration of the period of redemption specified in the certificate with respect to the property, the

property must be assessed annually to the county treasurer, and his successors in office, in the same manner as the taxable property of private persons is assessed, except that the assessment must express that it is made against the county treasurer as a trustee. No proceedings may be taken to enforce the collection of the taxes against the trustee.

2. If the property is sold or rented for sufficient money to pay the taxes and costs legally chargeable against the property, the trustee shall pay the taxes and costs in full.

Assemblywoman McClain moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 585.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 14, 110, 128, 418, 445, 593, 624; Assembly Concurrent Resolution No. 34; Senate Bills Nos. 84, 90, 115, 143, 196, 222, 342, 498.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Ryon Hays, Grant Mortenson, Savannah Mortenson, Josh Bonde, Aubrey Shirk, Eric Mortenson, Naureen Mortenson, Ambrina Reed, and Madison Combs.

Assemblyman Ocegüera moved that the Assembly adjourn until Sunday, June 3, 2007, at 11 a.m. and that it do so in memory of Chief Warrant Officer 2 Joshua Rodgers.

Motion carried.

Assembly adjourned at 5:11 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly