

THE SIXTIETH DAY

CARSON CITY (Thursday), April 2, 2009

Senate called to order at 11:23 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Jeffrey Paul.

O Lord, our Governor, bless the leaders of our land, that we may be a people at peace among ourselves and a blessing to other nations of the earth. To our Senators and those who make our laws in this State, give courage, wisdom, clarity and foresight to provide for the needs of all our people and to fulfill our obligations in all the communities of Nevada. In Your Name, we pray.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 230, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Concurrent Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MAGGIE CARLTON, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 224, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 43, 53, 66, 74, 92, 194, 256, 375, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN J. LEE, *Chair*

Mr. President:

Your Committee on Health and Education, to which were referred Senate Bills Nos. 70, 197, 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VALERIE WIENER, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 83, 334, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERRY CARE, *Chair*

Mr. President:

Your Committee on Taxation, to which was referred Senate Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB COFFIN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 1, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 22.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 1, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 255, 289, 293, 355.

GARY GHIGGERI

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Woodhouse, Amodei, Breeden, Care, Carlton, Cegavske, Coffin, Copening, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Parks, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener; Assemblymen Manendo, Aizley, Anderson, Arberry, Atkinson, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Dondero Loop, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mastroluca, McArthur, McClain, Mortenson, Munford, Oceguela, Ohrenschall, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Spiegel, Stewart and Woodbury:

Senate Concurrent Resolution No. 23—Commemorating the 100th anniversary of the creation of Clark County.

WHEREAS, The importance of the Las Vegas Valley dates back to days before Nevada's admission into the Union, to 1830, when Mexican trader Antonio Armijo passed through on his journey from Santa Fe to Los Angeles, and it continued to be an important stop on the Old Spanish Trail in the 1830s and 1840s and later on the California Trail during the Gold Rush in the middle of the 19th century; and

WHEREAS, In 1909, due to rapid growth in the Valley, Lincoln County was divided into two counties, and the new county was named Clark, after William Clark, the railroad entrepreneur who is often credited with helping to transform the Las Vegas area from a ranch to a town; and

WHEREAS, Lincoln County Assemblyman George Bergman of Nelson, who later would become Clark County's first State Senator, introduced and successfully guided through the 1909 Nevada Legislature Assembly Bill No. 27, which created Clark County out of the southern part of Lincoln County, effective July 1, 1909; and

WHEREAS, One hundred years later, Clark County has become one of the fastest-growing areas in the country, home to a booming population of 2 million residents and a getaway to the 44 million tourists whom it attracts each year and who visit for the world-class entertainment, hospitality, gaming, fine dining and shopping and the world-famous Las Vegas Strip, known as the heart of the Entertainment Capital of the World; and

WHEREAS, The diverse attractions in Clark County stretch beyond The Strip and include urban and rural areas, such as the destinations of Mesquite, Primm and Laughlin, as well as the Colorado River, Lake Mead National Recreation Area, the engineering marvel Hoover Dam, Mount Charleston, Toiyabe National Forest, Red Rock Canyon, The Valley of Fire and a number of parks, museums and recreational and cultural attractions; and

WHEREAS, Clark County celebrates the 100th anniversary of its establishment this year; and

WHEREAS, Participating in the host of activities and events that will be held throughout the year, such as attending the grand opening of the newly restored historic Candlelight Wedding Chapel and the opening of the only publicly accessible railroad cottage in Southern Nevada at the Clark County Museum or visiting the touring history exhibit that will open at the Clark County Government Center Rotunda and then travel to various other locations throughout the year, provides an excellent opportunity to become acquainted, or reacquainted, with the community's history and character; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 75th Session of the Nevada Legislature hereby recognize and commemorate the centennial of Clark County's creation; and be it further

RESOLVED, That the residents of the State of Nevada and Clark County are encouraged to discover and celebrate Clark County's heritage; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Chairman of the Clark County Board of Commissioners for distribution to members of the Board.

Senator Woodhouse moved the adoption of the resolution.

Remarks by Senators Woodhouse and Coffin.

Senator Woodhouse requested that the following remarks be entered in the Journal.

SENATOR WOODHOUSE:

This resolution does a great job of describing the development and transformation of Clark County over the past 100 years. But, there is so much more that can be told.

By 1905, discussions had begun in thriving southern Nevada to move the Lincoln County Seat from Pioche to Las Vegas or Searchlight. An alternative, which ultimately was selected, was to carve a new county out of Lincoln County in the southern part of the State. The southern region had started to grow and thrive based on a combination of factors. Mining was important in places like Searchlight, Goodsprings and Nelson. Farming was important in the predominantly Mormon communities of Overton, Logandale, Bunkerville, Mesquite and Moapa. Finally, Las Vegas was emerging as an important regional trade center and railroad town on the new rail line between Los Angeles and Salt Lake City. However, Lincoln County's 7,000 residents were spread out over 18,500 square miles of land. A tedious round-trip of over 300 miles was required for residents in the south, such as Las Vegas, to travel to Pioche. Geographically speaking, Lincoln was the largest county in Nevada, at that time, and was the second largest county among all the states. By splitting Lincoln County nearly in half, the 1909 Legislature allowed for the development of a new county that would prosper and grow.

As stated in the resolution, Clark County was created by an act of the Nevada Legislature in 1909. A.B. 27 of the 24th Legislative Session had the support of all three members of the Lincoln County delegation and was approved by both the Assembly and Senate without opposition. On February 5, 1909, Acting Governor Denver Dickerson signed the bill into law, to become effective on July 1, 1909.

The summary of A.B. 27 describes it as, "An Act creating and organizing the County of Clark out of a portion of Lincoln County and providing for its Government." The bill described the

new county as "All that portion of Lincoln County lying south of the third standard parallel south of the Mount Diablo base line." Particularly interesting is the language that established the county seat of Clark County. The bill stated, "The place known officially as Clark's Las Vegas Town site, being the town, railroad station and post office of Las Vegas, is hereby made the county-seat of Clark County, at which place shall be erected and maintained the county and judicial offices and the necessary county buildings."

The Governor was required to appoint three United States citizens who resided in the area to serve as the first three Clark County Commissioners until elections were held the following year. These new commissioners were given the responsibility to appoint a number of county officers, including a County Clerk, Sheriff, Recorder, Assessor, Treasurer, Surveyor, Public Administrator and District Attorney. Salaries for these officers were set in the bill and ranged from \$2,000 per year for the County Treasurer to \$300 per year for each of the County Commissioners. The 1909 Legislature must have had second thoughts about these salaries and, later that session, passed another bill to lower those salaries substantially.

The bill required those first county commissioners to "furnish for the use of said county officers and for other county purposes, such rooms, offices and jails, appliances, books and stationery as are suitable and necessary for the decent conduct of all county business."

Following the passage and signing of A.B. 27, businessmen in Las Vegas started planning a huge "blowout" on July 1, 1909, which would eclipse any previous celebration held in Nevada. In his book, *Las Vegas – As it Began, As it Grew*, Stan Paher states that "four years of hopes and political maneuvering materialized on the morning of July 1. The ringing of bells, the booming of cannons, the popping of fireworks and other assorted noises greeted the birth of Clark County. That day began at 4 a.m. with a national salute and band music. At 10 a.m., oratorical bombasts by civic leaders preceded the introduction of new county officials, who added their own predictions of a glorious future for the new county." The afternoon was highlighted by games and races for the younger crowd, a baseball game between Goodsprings and Las Vegas, water hose fights, a burro race, a wheelbarrow race and an open-air band concert. The festivities concluded that evening with a grand ball at the opera house.

The first Legislators to represent Clark County, following its creation, should be recognized. The most prominent in the 1911 Legislative Session was Senator George Bergman, the same man who sponsored the 1909 legislation that created Clark County. He had moved from the Assembly to the Senate by defeating Las Vegas newspaper publisher "Pop Squires" at the 1910 General Election. He now represented Clark County in the Legislature instead of Lincoln County. However, he never had to change his place of residence, which remained in Nelson, a mining town in Eldorado Canyon, some 30 miles south of present-day Boulder City. In 1911, Senator Bergman was the only State Senator from Clark County, out of a total of 20 members. In fact, only two of the Assembly's 49-member body hailed from the new county. They were Assemblymen James Donahue from Las Vegas and Willard Jones from Overton. It is interesting to note that the only Senator to represent Lincoln County that session was Levi Syphus, the "carry-over" Senator who lived in St. Thomas, in Clark County. Although a resident of the newly created Clark County, he was permitted to continue his representation of Lincoln County that year.

The first permanent, nonnative settlers in the Las Vegas Valley were a group of Mormon missionaries who built an adobe fort along Las Vegas Creek in 1855. They were able to farm in the area by diverting water from the creek to irrigate their crops. After less than two years, the Mormon effort to settle the Las Vegas Valley was abandoned. However, by the 1880s, a number of other areas, such as those around places like St. Thomas, Mesquite, Bunkerville, Moapa, Logandale and Overton, were successfully settled, farmed and ranched by later Mormon groups. Remnants of the first old fort remain today as a Nevada state park, just across the street from the Grant Sawyer State Office Building in Las Vegas.

By the 1860s, the oasis around the old Mormon fort at Las Vegas became a ranch and for many years offered travelers and nearby mining camps with home-grown produce, products from its small store, as well as blacksmith services. In 1882, the ranch passed to Helen and Archibald Stewart. In 1884, Archibald was killed in a gunfight, but Helen Stewart continued to operate the ranch for many more years until she sold it and its water rights in 1903 to the railroad company that was building its main line through the heart of Las Vegas Valley. Helen Stewart

later returned to the site of her former ranch, which is now where the Grant Sawyer State Office Building stands, where she lived until her death in 1926. For her many contributions, she is often referred to as "The First Lady of Las Vegas."

In 1909, the State of Nevada had only about 80,000 residents, and of Nevada's 15 counties, Clark County probably ranked Number 10, which is not saying much since the 1910 Census showed its population at 3,321. In fact, we were the smallest state in the Nation in terms of people and would remain the smallest until Alaska became a state in 1959. But, things would certainly change over time.

As the resolution notes, Nevada's new county was named for William Andrews Clark, a man who visited but never actually lived in our State. Clark had made a fortune in mining in Montana and parlayed that wealth into profitable ventures in banking and railroads, as well as a term in the United States Senate. His San Pedro, Los Angeles and Salt Lake Railroad which was completed in 1905, passed directly through the Las Vegas Valley. The Stewart Ranch and its water rights had been secured a few years earlier, and by 1909, Las Vegas was a growing and thriving railroad town along the line between Los Angeles and Salt Lake City. The town already had a post office, opera house, a number of dwellings and railroad cottages, commercial establishments, a railroad depot and roundhouse, an ice plant to make ice for refrigerated rail cars and machine shops for the trains.

In appreciation for bringing a railroad through southern Nevada, William Andrews Clark was honored by having the new county named after him.

SENATOR COFFIN:

Thank you, Mr. President. Political maneuvering is still with us today. What you write down on paper will always come back to haunt you. I have a collection of documents. They are in the special collections department at the University of Nevada, Las Vegas. They show how the legislators and lobbyists were working together currying favor with the railroads and with mining to delay the creation of Clark County. You cannot blame Lincoln County for fighting it. They could see the horrible loss of revenue coming because the town site had already been established in Las Vegas for four years.

Lincoln was a difficult county to try to do business in. Prosperous mining was in Searchlight and down on the river. People who lived in Nye County had a hard time getting to Tonopah. Can you imagine when there were no roads, just trails for the first 100 miles from the southern end to the railroad line? If you were lucky and had friends in the railroad, you got a pass; then, you could travel free. It was expensive to travel to the county seat in Pioche.

Currying favor was a great business. It is all there in the resolution. The bill finally passed. The railroad lobby held out against the earlier formation of the county until they had a guarantee that their property taxes would not be raised. Is there any difference between politics then and politics now?

Resolution adopted.

Senator Woodhouse moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 23 be immediately transmitted to the Assembly.

Motion carried unanimously.

Senate Concurrent Resolution No. 3.

Resolution read.

Senator Parks moved the adoption of the resolution.

Resolution adopted as amended.

Resolution ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 4.

Resolution read.

The following amendment was proposed by the Committee on Health and Education:

Amendment No. 90.

"SUMMARY—Urges certain agencies which provide child welfare services to develop a standardized practice model and to address certain issues related to child and family services. (BDR R-476)"

"SENATE CONCURRENT RESOLUTION—Urging certain agencies which provide child welfare services to develop a standardized practice model and to address certain issues related to child and family services."

WHEREAS, The Division of Child and Family Services of the Department of Health and Human Services, the Clark County Department of Family Services and the Washoe County Department of Social Services provide vital child and family services in this State by helping to ensure the safety and protection of children and by providing necessary services to families; and

WHEREAS, Minority children represent a disproportionate number of children who are placed in foster care in this State, including African Americans who represent 19.7 percent of children entering foster care, but represent only 8.4 percent of the general population; and

WHEREAS, Research indicates that child abuse and neglect are symptoms of an extreme disturbance in child rearing and frequently part of a milieu of severe family problems such as poverty, alcoholism, substance abuse or limited parenting skills; and

WHEREAS, Research shows that the risk of child abuse can be lessened through such preventive strategies as strengthening parenting skills, providing support for families in crisis, facilitating children's social and emotional development, and linking families to services and opportunities; and

WHEREAS, Models for providing child and family services which focus on the preservation of the family while ensuring the safe protection of children provide a comprehensive and systematic method for family-centered support and intervention; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 75th Session of the Nevada Legislature do hereby urge the Division of Child and Family Services of the Department of Health and Human Services, the Clark County Department of Family Services and the Washoe County Department of Social Services, in consultation with other key stakeholders connected to the safety and welfare of children in this State, to:

1. Develop a statewide standardized practice model for providing child and family services which focuses on the preservation of the family while ensuring the safe protection of children;
2. Assess the disproportionate number of minority children placed in foster care in this State and develop a strategy to address the

disproportionality, including a mechanism for the ongoing collection and tracking of related data;

3. Identify targets to reduce, in a safe and efficient manner, the number of children in foster care and implement a system to monitor the reduction efforts;

4. Ensure that allegations of child abuse and neglect are investigated properly before removing children from their homes; ~~and~~

5. Study and assess the prescription and administration of psychotropic medications to children placed in the custody of an agency which provides child welfare services in this State; and

6. Develop and implement an assessment to determine the safety or risk of allowing a child to remain in his home; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Director of the Department of Health and Human Services, the Administrator of the Division of Child and Family Services of the Department of Health and Human Services, the Director of the Clark County Department of Family Services and the Director of the Washoe County Department of Social Services.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

This amendment adds a provision urging the listed agencies to study and assess the prescription and administration of psychotropic medications to children placed in the custody of a child-welfare agency in this State.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Senate Concurrent Resolution No. 5.

Resolution read.

Senator Rhoads moved the adoption of the resolution.

Resolution adopted as amended.

Resolution ordered transmitted to the Assembly.

Senator Lee moved that Senate Bill No. 59 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Senator Horsford moved that for this legislative day, the Secretary of the Senate dispense with reading the histories and titles of all bills and joint resolutions.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 2, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 27.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 27—Honoring the Nevada Parent Teacher Association for its dedicated service in Nevada.

WHEREAS, The Nevada Parent Teacher Association was founded in 1940 and serves our State as the largest volunteer advocacy group for children, families and teachers, placing emphasis on promoting active family involvement in the schools throughout our State; and

WHEREAS, The membership of the Nevada PTA is open to everyone and is as inclusive and diverse as the children for whom the members advocate, with representation from different economic, ethnic, religious, political and cultural backgrounds; and

WHEREAS, The organizational scheme of the Nevada PTA begins with volunteers who form local units that may join together to form councils, which compose PTA regions, and membership in the statewide unit, the Battle Born PTA, is open to everyone; and

WHEREAS, Each higher tier of the organization provides support for the groups of which it is composed, with the councils providing training, support, materials and expertise to the local units, the regions establishing close working relationships with councils and units to furnish service, training and networking opportunities, and the state level assisting in whatever way it is needed to achieve *onevoice* for *everychild*; and

WHEREAS, The mission of the Nevada PTA is threefold, first, to support and speak on behalf of children in our schools, in the community and before governmental bodies and organizations that make decisions affecting them, second, to assist parents in developing the skills they need to raise and protect their children, and third, to encourage parent and public involvement with the teachers of our schools, all at no cost to the State; and

WHEREAS, Throughout the 68 years since its inception, the Nevada PTA has contributed money needed to foster education in Nevada and has served our State through a multitude of programs, such as the Carry the Card program by which businesses offer discounts to PTA members, a website for booking vacations with discounted prices, contests for promotion of the arts, training programs for parents that encourage partnership with teachers and community members to build the future together, leadership programs and myriad other projects to foster the well-being of the young people in this State; and

WHEREAS, To achieve one of the most significant objectives of the Nevada PTA, the advocacy of legislation that enhances the health, education and welfare of our children, the Nevada PTA outlines positions, brings them to the forefront during legislative sessions and encourages the commitment to a quality education for all children; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature honor the Nevada Parent Teacher Association for the dedicated service of its volunteers and express profound gratitude for the contributions they make to Nevada's children, parents and teachers.

Senator Woodhouse moved the adoption of the resolution.

Remarks by Senator Woodhouse.

Senator Woodhouse requested that her remarks be entered in the Journal.

Mr. President, I rise in support of Assembly Concurrent Resolution No. 27, honoring the Nevada Parent Teacher Association (PTA) for its years of service to Nevada families and schools. As a former teacher and elementary principal, I know the PTA is an integral part of the school community.

In 1940, the Nevada PTA joined a national organization established to provide support, information and resources to families about the health and education of their children.

That organization was founded in 1897 by Alice McLellan and Birney and Phoebe Apperson Hearst as the National Congress of Mothers. At a time when social activism was scorned and women did not have the right to vote, these women felt it was up to mothers of this country to eliminate threats that endangered children.

Over the years, the National PTA and its state affiliates have been active in working for numerous public policies for children and families, such as: creating kindergarten classes, enacting child labor laws, mandating immunizations and creating juvenile justice systems.

Many of these programs and policies are now woven into our social fabric; we take them for granted. The Nevada PTA continues to work in cooperation with the National PTA and other state and national education, health, safety and child advocacy groups and government agencies on projects that benefit children.

But, new opportunities and challenges emerge and much remains to be done. Nevada and the country need a new kind of parental involvement, mothers, fathers and grandparents. PTA has embraced that role and turned its efforts to increasing the participation of parents in the education of their children.

Numerous studies have concluded that structured and continued efforts to involve parents in their children's education leads to increased student performance. Undoubtedly, student achievement is the foremost objective of state education policy.

As policymakers, it is fitting, therefore, that we honor the Nevada PTA as an ally in our goal of improving educational opportunities for all children.

Please join me in honoring the Nevada PTA for its dedicated service to our children, parents and teachers. Without their voice, the chorus of education advocates would indeed be diminished.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senator Care moved that Senate Bills Nos. 36, 49, 84, 111, 114, 129, 147, 161, 165, 169, 214, 215, 231, 249, 277, 307, 333, 342, 344; Senate Joint Resolution No. 1; Senate Joint Resolution No. 3 of the 74th Session; Assembly Joint Resolution No. 3 of the 74th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 12:10 p.m.

SENATE IN SESSION

At 12:15 p.m.

President Krolicki presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 398—AN ACT relating to criminal offenders; requiring the Department of Corrections to establish intermediate sanction facilities for certain probation violators and offenders to receive treatment; requiring the Department of Health and Human Services to provide such treatment; authorizing courts to set aside the conviction of an offender or return a probation violator to probation upon successful completion of treatment at an

intermediate sanction facility; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 399—AN ACT relating to state financial administration; making an appropriation to the Interim Finance Committee to contract for a comprehensive independent study of existing taxes and their allocation among the levels of government and governmental agencies in Nevada; specifying the subjects to be included in the study; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 400—AN ACT making an appropriation to the Nevada System of Higher Education for state claims owed to the Public Employees' Benefits Program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 401—AN ACT making an appropriation to the State Fire Marshal Division of the Department of Public Safety for refunds of certain fees; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 402—AN ACT making a supplemental appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for unanticipated shortfalls in Fiscal Year 2008-2009 for costs associated with the closure of the Tonopah Conservation Camp; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 403—AN ACT making appropriations to restore the balances in the State Claims Account, Emergency Account and Reserve for

Statutory Contingency Account; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 404—AN ACT making a supplemental appropriation to the Department of Health and Human Services for unanticipated shortfalls in Fiscal Year 2008-2009 for the cost of supplemental payments to assist low-income persons who are aged or blind and adult group care facilities; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 405—AN ACT making a supplemental appropriation to the Department of Health and Human Services for unanticipated shortfalls in Fiscal Year 2008-2009 for additional inspections of child care facilities; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 406—AN ACT making a supplemental appropriation to the Department of Health and Human Services for unanticipated shortfalls in Fiscal Year 2008-2009 to cover an incorrect cost allocation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 407—AN ACT making a supplemental appropriation to the Department of Health and Human Services for unanticipated shortfalls in Fiscal Year 2008-2009 for rural child welfare costs; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 4.

Bill read second time.

The following amendment was proposed by the Committee on Health and Education:

Amendment No. 5.

"SUMMARY—Requires the establishment of a system for the electronic submission of applications for Medicaid and the Children's Health Insurance Program. (BDR 38-210)"

"AN ACT relating to public welfare; requiring the Department of Health and Human Services to establish and maintain a system for the electronic submission of applications for Medicaid and the Children's Health Insurance Program; requiring certain agencies to use the system to forward such applications to the Department; ~~requiring the transfer of money from the Abandoned Property Trust Account for the Department to establish and maintain the system;~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the administration of welfare programs pursuant to federal law, including Medicaid and the Children's Health Insurance Program. (Chapters 422 and 422A of NRS) ~~Section 1 of this~~ *This* bill requires the Department of Health and Human Services to establish and maintain a system which allows applicants for these programs to submit applications electronically. ~~Section 1~~ *This bill* further requires agencies that are designated by the Director of the Department to receive applications or determine eligibility for Medicaid or the Children's Health Insurance Program to use the system to forward applications to the Department.

~~¶ Certain money received by the State pursuant to chapter 120A of NRS, including proceeds from the sale of unclaimed property, is deposited in the Abandoned Property Trust Account. (NRS 120A.620) Sections 2 and 3 of this bill require an annual transfer of money from the Account for the Department to establish and maintain the system required by section 1 of this bill.~~

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall establish and maintain a system which allows an applicant for Medicaid or the Children's Health Insurance Program to submit the application electronically. The system must allow an applicant to submit an application through the Internet or another on-line service designated by the Department.*

2. *An agency designated by the Director to receive applications or determine eligibility for Medicaid or the Children's Health Insurance Program shall use the system established pursuant to subsection 1 to forward to the Department all applications received by the agency.*

3. *An applicant for Medicaid or the Children's Health Insurance Program must not be required to submit an application electronically. If an applicant submits a written application to an agency designated by the Director, the agency shall create an electronic application on behalf of the applicant and use the system established pursuant to subsection 1 to forward the application to the Department.*

Sec. 2. ~~[NRS 120A.620 is hereby amended to read as follows:~~

~~120A.620 1. There is hereby created in the State General Fund the Abandoned Property Trust Account.~~

~~2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property, must be deposited by the Administrator in the State General Fund for credit to the Account.~~

~~3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.~~

~~4. The Administrator may pay from money available in the Account:~~

~~(a) Any costs in connection with the sale of abandoned property;~~

~~(b) Any costs of mailing and publication in connection with any abandoned property;~~

~~(c) Reasonable service charges;~~

~~(d) Any costs incurred in examining the records of a holder and in collecting the abandoned property;~~

~~(e) Any valid claims filed pursuant to this chapter.~~

~~5. Except as otherwise provided in NRS 120A.610, by the end of each fiscal year, the balance in the Account must be transferred as follows:~~

~~(a) The first \$7,600,000 each year must be transferred to the Millennium Scholarship Trust Fund created by NRS 396.926;~~

~~(b) After making the transfer pursuant to paragraph (a), \$159,513.81, if available, must be transferred to the Department of Health and Human Services to establish the system required pursuant to section 1 of this act;~~

~~(c) The remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640. No such claim may be satisfied from money in the Millennium Scholarship Trust Fund [...] or from money transferred to the Department of Health and Human Services pursuant to paragraph (b).~~

~~6. If there is an insufficient amount of money in the Account to pay any cost or charge pursuant to subsection 4, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Account of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Account. *(Deleted by amendment.)*~~

Sec. 3. ~~[NRS 120A.620 is hereby amended to read as follows:~~

~~120A.620 1. There is hereby created in the State General Fund the Abandoned Property Trust Account.~~

~~2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property, must be deposited by the Administrator in the State General Fund for credit to the Account.~~

~~3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.~~

~~4. The Administrator may pay from money available in the Account:~~

~~(a) Any costs in connection with the sale of abandoned property;~~

~~(b) Any costs of mailing and publication in connection with any abandoned property;~~

~~(c) Reasonable service charges;~~

~~(d) Any costs incurred in examining the records of a holder and in collecting the abandoned property;~~

~~(e) Any valid claims filed pursuant to this chapter.~~

~~5. Except as otherwise provided in NRS 120A.610, by the end of each fiscal year, the balance in the Account must be transferred as follows:~~

~~(a) The first \$7,600,000 each year must be transferred to the Millennium Scholarship Trust Fund created by NRS 396.926.~~

~~(b) After making the transfer pursuant to paragraph (a), [\$159,513.84,] \$12,500 each year, if available, must be transferred to the Department of Health and Human Services to [establish] *maintain* the system required pursuant to section 1 of this act.~~

~~(c) The remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640. No such claim may be satisfied from money in the Millennium Scholarship Trust Fund or from money transferred to the Department of Health and Human Services pursuant to paragraph (b).~~

~~6. If there is an insufficient amount of money in the Account to pay any cost or charge pursuant to subsection 4, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Account of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Account. (~~Deleted by amendment.~~)~~

~~Sec. 4. [1. This section and sections 1 and 2 of this act become] *This act becomes* effective on July 1, 2009.~~

~~[2. Section 3 of this act becomes effective on July 1, 2010.]~~

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

This amendment removes the provision that would have required money received by the State pursuant to unclaimed property to be used to establish and maintain a system for the electronic submission of application for Medicaid and the Children's Health Insurance Program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 19.

Bill read second time.

The following amendment was proposed by the Committee on Health and Education:

Amendment No. 91.

"SUMMARY—Revises provisions governing the award of grants of money by the Commission on Educational Excellence. (BDR 34-302)"

"AN ACT relating to education; revising provisions governing the award of grants of money from the Account for Programs for Innovation and the Prevention of Remediation by the Commission on Educational Excellence; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

The Commission on Educational Excellence awards grants of money from the Account for Programs for Innovation and the Prevention of Remediation for programs designed for pupils enrolled in kindergarten through grade 6 and pupils enrolled in grades 7 through 12. (NRS 385.3781-385.379) This bill requires the Commission, when awarding grants for programs designed for pupils enrolled in grades 7 through 12, to give first priority to applications for programs ~~of summer school~~ *designed* for pupils enrolled in ~~grade~~ *grades 7 and 8* who have not completed the courses of study *or credits* required for promotion to *the next grade or promotion to* high school, ~~including the costs of providing transportation for those pupils.~~ *as applicable.* (NRS 385.3785)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3785 is hereby amended to read as follows:

385.3785 1. The Commission shall:

(a) Establish a program of educational excellence designed exclusively for pupils enrolled in kindergarten through grade 6 in public schools in this State based upon:

(1) The plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691;

(2) The plan to improve the achievement of pupils prepared by the board of trustees of each school district pursuant to NRS 385.348;

(3) The plan to improve the achievement of pupils prepared by the principal of each school pursuant to NRS 385.357, which may include a program of innovation; and

(4) Any other information that the Commission considers relevant to the development of the program of educational excellence.

(b) Identify programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

(c) Develop a concise application and simple procedures for the submission of applications by public schools and consortiums of public schools, including, without limitation, charter schools, for participation in a program of educational excellence and for grants of money from the Account. Grants of money must be made for programs designed for the achievement of pupils that are linked to the plan to improve the achievement of pupils or for innovative programs, or both. The Commission shall not award a grant of money from the Account for a program to provide full-day kindergarten. All public schools and consortiums of public schools, including, without limitation, charter schools, are eligible to submit such an application, regardless of whether the schools have made adequate yearly progress or failed to make adequate yearly progress. A public school or a consortium of public schools selected for participation may be approved by the Commission for participation for a period not to exceed 2 years, but may reapply.

(d) Prescribe a long-range timeline for the review, approval and evaluation of applications received from public schools and consortiums of public schools that desire to participate in the program.

(e) Establish guidelines for the review, evaluation and approval of applications for grants of money from the Account, including, without limitation, consideration of the list of priorities of public schools provided by the Department pursuant to subsection 5. To ensure consistency in the review, evaluation and approval of applications, if the guidelines authorize the review and evaluation of applications by less than the entire membership of the Commission, money must not be allocated from the Account for a grant until the entire membership of the Commission has reviewed and approved the application for the grant.

(f) Prescribe accountability measures to be carried out by a public school that participates in the program if that public school does not meet the annual measurable objectives established by the State Board pursuant to NRS 385.361, including, without limitation:

(1) The specific levels of achievement expected of schools that participate; and

(2) Conditions for schools that do not meet the grant criteria but desire to continue participation in the program and receive money from the Account, including, without limitation, a review of the leadership at the school and recommendations regarding changes to the appropriate body.

(g) Determine the amount of money that is available from the Account for those public schools and consortiums of public schools that are selected to participate in the program.

(h) Allocate money to public schools and consortiums of public schools from the Account. Allocations must be distributed not later than August 15 of each year.

(i) Establish criteria for public schools and consortiums of public schools that participate in the program and receive an allocation of money from the Account to evaluate the effectiveness of the allocation in improving the achievement of pupils, including, without limitation, a detailed analysis of:

(1) The achievement of pupils enrolled at each school that received money from the allocation based upon measurable criteria identified in the plan to improve the achievement of pupils for the school prepared pursuant to NRS 385.357;

(2) If applicable, the effectiveness of the program of innovation on the achievement of pupils and the overall effectiveness for pupils and staff;

(3) The implementation of the applicable plans for improvement, including, without limitation, an analysis of whether the school is meeting the measurable objectives identified in the plan; and

(4) The attainment of measurable progress on the annual list of adequate yearly progress of school districts and schools.

2. To the extent money is available, the Commission shall make allocations of money to public schools and consortiums of public schools for effective programs for grades 7 through 12 that are designed to improve the achievement of pupils and effective programs of innovation for pupils. In making such allocations, the Commission shall ~~comply~~ :

(a) *Comply with the requirements of subsection 1 ~~1~~; and*

(b) Give first priority to applications which propose to establish or maintain a program ~~for summer school~~ that is designed for pupils enrolled in ~~grade~~ grades 7 and 8 who have not completed the courses of study or credits required for promotion to the next grade or promotion to high school ~~including, without limitation, the costs of providing transportation for those pupils. If more applications are submitted for a summer school program~~, as applicable, and that assists those pupils in making a successful transition to high school. If more applications are submitted for such programs than the amount of money available, the Commission shall make its determination based upon the list of priorities of schools provided by the Department pursuant to subsection 5.

3. The Commission shall ensure, to the extent practicable, that grants of money provided pursuant to this section reflect the economic and geographic diversity of this State.

4. If a public school or consortium that receives money pursuant to subsection 1 or 2:

(a) Does not meet the criteria for effectiveness as prescribed in paragraph (i) of subsection 1;

(b) Does not, as a result of the program for which the grant of money was awarded, show improvement in the achievement of pupils, as determined in an evaluation conducted pursuant to subsection 3 of NRS 385.379; or

(c) Does not implement the program for which the money was received, as determined in an evaluation conducted pursuant to subsection 3 of NRS 385.379,

↪ over a 2-year period, the Commission may consider not awarding future allocations of money to that public school or consortium of public schools.

5. On or before July 1 of each year, the Department shall provide a list of priorities of public schools that indicates:

(a) The adequate yearly progress status of schools in the immediately preceding year; and

(b) The public schools that are considered Title I eligible by the Department based upon the poverty level of the pupils enrolled in a school in comparison to the poverty level of the pupils in the school district as a whole, ↪ for consideration by the Commission in its development of procedures for the applications.

6. A public school, including, without limitation, a charter school, or a consortium of public schools may request assistance from the school district in which the school is located in preparing an application for a grant of money pursuant to this section. A school district shall assist each public school or consortium of public schools that requests assistance pursuant to this subsection to ensure that the application of the school:

(a) Is based directly upon the plan to improve the achievement of pupils prepared for the school pursuant to NRS 385.357;

(b) Is developed in accordance with the criteria established by the Commission; and

(c) Is complete and complies with all technical requirements for the submission of an application.

↪ A school district may make recommendations to the individual schools and consortiums of public schools. Such schools and consortiums of public schools are not required to follow the recommendations of a school district.

7. In carrying out the requirements of this section, the Commission shall review and consider the programs of remedial study adopted by the Department pursuant to NRS 385.389, the list of approved providers of supplemental *educational* services maintained by the Department pursuant to NRS 385.384 and the recommendations submitted by the Committee pursuant to NRS 218.5354 concerning programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

8. If a consortium of public schools is formed for the purpose of submitting an application pursuant to this section, the public schools within the consortium do not need to be located within the same school district.

Sec. 2. This act becomes effective on July 1, 2009.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

This amendment makes modest revisions. It deletes the reference to a preference for summer school and addresses the concerns for remediation for children in grades 7 and 8 so they can advance.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 13.

"SUMMARY—~~Repeals the provision that prohibits the prosecution of a person in this State for a crime after the person is convicted or acquitted of the crime in another state, territory or country.~~ *Revises provisions relating to the prosecution of certain offenses.* (BDR ~~[14-272]~~ 15-272)"

"AN ACT relating to criminal procedure; *providing that an acquittal of an offense in another jurisdiction is admissible in evidence in the trial in this state for the same offense*; repealing the provision that prohibits the prosecution of a person in this State for a crime after the person is convicted or acquitted of the crime in another state, territory or country; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 *of this bill amends existing law to provide that after a person is acquitted of a crime in another jurisdiction and a criminal prosecution is brought in the courts of this State for the same offense, the acquittal in the other jurisdiction is admissible in evidence in the prosecution in this State.* (NRS 193.280)

Section 2 of this bill: (1) repeals the provision that prohibits the prosecution of a person in this State for a crime after the person is convicted or acquitted of the crime in another state, territory or country; and (2) establishes the "dual sovereignty doctrine" in this State. (NRS 171.070) Under the dual sovereignty doctrine, successive prosecutions by two states, or by a state and the Federal Government, for the same criminal conduct are not barred by the double jeopardy clause of the Fifth Amendment to the United States Constitution. (*Heath v. Alabama*, 474 U.S. 82 (1985); *United States v. Lanza*, 260 U.S. 377 (1922))

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

Section 1. NRS 193.280 is hereby amended to read as follows:

193.280 Whenever, upon the trial of any person for a crime, it appears that the offense was committed in another state or country, under such circumstances that the courts of this state had jurisdiction thereof, and that the defendant has already been acquitted ~~for convicted~~ upon the merits, upon a criminal prosecution under the laws of such state or country, founded upon the act or omission with respect to which he is upon trial, such former

acquittal ~~for conviction is a sufficient defense.~~ is admissible in evidence in the trial.

~~Section 1.~~ Sec. 2. NRS 171.070 is hereby repealed.

~~Sec. 2.~~ Sec. 3. The amendatory provisions of this act do not apply to offenses committed before July 1, 2009.

~~Sec. 3.~~ Sec. 4. This act becomes effective on July 1, 2009.

TEXT OF REPEALED SECTION

171.070 Conviction or acquittal in another state, territory or country is bar where jurisdiction is concurrent. When an act charged as a public offense is within the jurisdiction of another state, territory or country, as well as of this State, a conviction or acquittal thereof in the former is a bar to the prosecution or indictment therefor in this State.

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Senator Care requested that his remarks be entered in the Journal.

The amendment is in section 1 of the bill. It provides that someone who has been acquitted of a crime in another state or jurisdiction is allowed to introduce that into evidence if prosecuted for the same conduct in this State.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 45.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 14.

"SUMMARY—Revises provisions relating to certain criminal cases involving older persons and vulnerable persons. (BDR 14-262)"

"AN ACT relating to crimes; allowing a prospective witness who is an older person or a vulnerable person to have his deposition taken for use at a trial or hearing under certain circumstances; providing for a civil penalty against a person convicted of certain crimes against an older person; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law allows a prospective witness who may be unable to attend or may be prevented from attending a trial or hearing to have his deposition taken, if his testimony is material, in order to prevent a failure of justice. (NRS 174.175) At a trial or hearing, a part or all of a deposition may be used if it appears that: (1) the witness is dead; (2) the witness is out of the State of Nevada; (3) the witness is sick; (4) the witness has become of unsound mind; or (5) the party offering the deposition could not procure the attendance of the witness by subpoena. (NRS 174.215) Section 1 of this bill expands the list of prospective witnesses who may have their deposition taken to include older persons and vulnerable persons. (NRS 174.175) Section 1 also provides that a court may order the deposition of an older person or a vulnerable person only upon good cause shown to the court.

Existing law provides for the imposition of a civil penalty in addition to any criminal penalty against a person who is found guilty of abuse, neglect, exploitation or isolation of an older person. Section 2 of this bill expands the imposition of the civil penalty to any person who is found guilty of committing certain crimes such as murder, assault, battery and robbery against an older person. (NRS 228.280)

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

Section 1. NRS 174.175 is hereby amended to read as follows:

174.175 1. If it appears that a prospective witness *is an older person or a vulnerable person* or may be unable to attend or prevented from attending a trial or hearing, that his testimony is material and that it is necessary to take his deposition in order to prevent a failure of justice, the court at any time after the filing of an indictment, information or complaint may, upon motion of a defendant or of the State and notice to the parties, order that his testimony be taken by deposition and that any designated books, papers, documents or tangible objects, not privileged, be produced at the same time and place. *If the motion is for the deposition of an older person or a vulnerable person, the court may enter an order to take the deposition only upon good cause shown to the court.* If the deposition is taken upon motion of the State, the court shall order that it be taken under such conditions as will afford to each defendant the opportunity to confront the witnesses against him.

2. If a witness is committed for failure to give bail to appear to testify at a trial or hearing, the court, on written motion of the witness and upon notice to the parties, may direct that his deposition be taken. After the deposition has been subscribed, the court may discharge the witness.

3. This section does not apply to the prosecutor, or to an accomplice in the commission of the offense charged.

4. *As used in this section:*

(a) "Older person" means a person who is ~~60~~ 70 years of age or older.

(b) "Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 2. NRS 228.280 is hereby amended to read as follows:

228.280 1. In addition to any criminal penalty, a person who is found guilty of abuse, neglect, exploitation or isolation of an older person pursuant to NRS 200.5099 or 200.50995 or found guilty of a crime against an older person pursuant to subsection 1 of NRS 193.167 is liable for a civil penalty to be recovered by the Attorney General in a civil action brought in the name of the State of Nevada:

(a) For the first offense, in an amount which is not less than \$5,000 and not more than \$20,000.

(b) For a second or subsequent offense, in an amount which is not less than \$10,000 and not more than \$30,000.

2. The Attorney General shall deposit any money collected for civil penalties pursuant to subsection 1 in equal amounts to:

(a) A separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to older persons who are abused, neglected, exploited or isolated in violation of NRS 200.5099 and 200.50995 ~~+~~ *or to provide compensation to an older person who is a victim of a crime pursuant to subsection 1 of NRS 193.167*; and

(b) The Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons created pursuant to NRS 228.285.

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

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Senator Care requested that his remarks be entered in the Journal.

The amendment clarifies that the court may order a deposition in a criminal matter of an older or vulnerable person upon showing of good cause. This would be done by a motion. The amendment also changes the definition of an older person to someone who is 70 years of age.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Health and Education:

Amendment No. 4.

"SUMMARY—Revises the qualifications of the State Health Officer. (BDR 40-336)"

"AN ACT relating to public health; revising ~~the qualifications of~~ *provisions governing* the State Health Officer; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the State Health Officer to be a citizen of the United States and to be licensed, or eligible for licensure, as a physician or administrative physician in Nevada. (NRS 439.090) ~~(This)~~ *Section 1 of this bill* revises those qualifications by requiring the State Health Officer to be a citizen of the United States, to have not less than 5 years' experience in population-based health care and to be either: (1) licensed or eligible for a license as a physician or administrative physician in Nevada; or (2) a physician or administrative physician who has a master's or doctoral degree in public health or a related field. *Section 2 of this bill provides that if the State Health Officer is not licensed to practice medicine in this State, he shall not, while carrying out his duties, engage in the practice of medicine. (NRS 439.130)*

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

Section 1. NRS 439.090 is hereby amended to read as follows:

439.090 1. The State Health Officer must:

(a) Be a citizen of the United States ~~{-}~~;

(b) *Have not less than 5 years' experience in population-based health care; and*

(c) Be ~~licensed~~ ~~{-}~~:

(1) *Licensed or eligible for ~~licensure~~ ~~{-}~~ a license as a physician or administrative physician in Nevada ~~{-}~~; or*

(2) *A physician or administrative physician who has a master's degree or doctoral degree in public health or a related field.*

2. The Administrator must have 2 years' experience, or the equivalent, in a responsible administrative position in:

(a) A full-time county or city health facility or department; or

(b) A major health program at a state or national level.

3. *As used in this section, "population-based health care" means the use of various approaches to medical care for specific groups or populations based upon common demographic characteristics, risk factors or diseases.*

Sec. 2. NRS 439.130 is hereby amended to read as follows:

439.130 1. The State Health Officer shall:

(a) Enforce all laws and regulations pertaining to the public health.

(b) Investigate causes of disease, epidemics, source of mortality, nuisances affecting the public health, and all other matters related to the health and life of the people, and to this end he may enter upon and inspect any public or private property in the State.

(c) Direct the work of subordinates and may authorize them to act in his place and stead.

(d) Perform such other duties as the Director may, from time to time, prescribe.

➔ If the State Health Officer is not licensed to practice medicine in this State, he shall not, in carrying out his duties as the State Health Officer, engage in the practice of medicine.

2. The Administrator shall direct the work of the Health Division, administer the Division and perform such other duties as the Director may, from time to time, prescribe.

~~{Sec. 2}~~ *Sec. 3.* Notwithstanding the amendatory provisions of section 1 of this act, any person who, on the effective date of this act, is serving as the State Health Officer and who is otherwise qualified to serve as the State Health Officer on that date may continue to serve in that capacity until his successor is appointed by the Director of the Department of Health and Human Services pursuant to chapter 439 of NRS.

~~{Sec. 3}~~ *Sec. 4.* This act becomes effective upon passage and approval.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

The amendment provides that if the State Health Officer is not licensed to practice medicine in this State, he shall not, while carrying out his duties, engage in the practice of medicine.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 15.

"SUMMARY—Makes various changes concerning commercial recordings. (BDR 7-413)"

"AN ACT relating to business entities; ~~revising the provisions relating to the appointment of a registered agent;~~ providing that business entities may cancel filings made with the Secretary of State under certain circumstances; ~~providing for the dissolution of certain business entities under certain circumstances;~~ *revising the provisions relating to the resignation of a registered agent;* revising the provisions relating to the filing of certain lists by business entities; clarifying the provisions relating to the applicability of certain provisions concerning taxation of a business; making various other changes pertaining to business entities; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Sections 1, 3, 7, 8, 11, 14, 16, 22, 29, 31, 39, 50 and 53 of this bill authorize certain business entities that have made a filing with the Secretary of State to cancel the filing if: (1) the Secretary of State has not processed the filing and placed the filing into the public record; and (2) the business entity pays the required fee. (NRS 78.0295, 80.007, 81.006, 82.534, 84.009, 86.568, 87.547, 87A.275, 88.339, 88A.930)

~~Section 2 of this bill revises existing law, which requires the appointment of a registered agent to be accompanied by a certificate of acceptance of appointment, to provide that: (1) the appointment must include a declaration under penalty of perjury that the registered agent has accepted the appointment; and (2) if the registered agent who is named in the registered agent filing has not accepted the appointment, the registered agent may file a statement of rejection of appointment, which has the same legal effect as a statement of resignation. (NRS 77.310)~~

Section 2.5 of this bill amends existing law, which requires a registered agent who wishes to resign with respect to a represented entity to file with the Secretary of State a statement of resignation which includes the name and address of the person to which the agent will send the notice of resignation, to require such registered agent to file with the Secretary of State an affidavit stating that written notice was provided to each represented entity and to keep a copy of such notice on file for 1 year from

the date of filing the statement of resignation and to make any such copy available to the Secretary of State upon request. (NRS 77.370)

Sections 4, 9, 13, 18, 20, 24, 26, 32, 34, 40, 42, 47 and 48 of this bill amend existing law, which requires the Secretary of State to mail certain notices and blank forms to certain business entities, to authorize the Secretary of State to provide instead, by any means, notice to those business entities of the applicable statutory obligations to file certain lists. (NRS 78.150, 80.110, 82.523, 86.263, 86.5461, 87.510, 87.541, 87A.290, 87A.560, 88.395, 88.591, 88A.600, 88A.732)

Sections 5, 10, 12, 17, 21, 25, 27, 30, 35, 37, 38, 43, 45, 46, 49, 51 and 52 of this bill provide that a business entity is required to provide the Secretary of State certain information concerning its owners of record only upon the request of the Secretary of State. (NRS 78.152, 80.113, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251)

~~Sections 6, 15, 19, 33 and 41 of this bill authorize certain business entities whose right to transact business has been revoked to dissolve by filing a certificate of dissolution with the Secretary of State and paying the appropriate fee. (NRS 78.580, 86.491, 87A.490, 88.550)~~

Sections 23 and 28 of this bill make technical corrections: (1) to an incorrect reference concerning a registered limited-liability partnership; and (2) to include a reference to the requirement to provide information concerning a registered agent when a foreign registered limited-liability partnership is seeking reinstatement. (NRS 87.480, 87.5435)

Sections 36 and 44 of this bill authorize a partnership to register as a limited-liability limited partnership by filing a combined certificate with the Secretary of State and paying the appropriate fee. (NRS 87A.630, 88.606)

Section 54 of this bill amends the existing definition of "business" to include any ~~business~~ entity organized pursuant to title 7 of NRS, including an entity required to file with the Secretary of State, whether or not the entity performs a service or engages in a business for profit, other than a nonprofit corporation or a corporation sole, which clarifies that such a business ~~entity~~ is required to: (1) obtain a state business license; and (2) register with the Department of Taxation if the business ~~entity~~ purchases tangible personal property for storage, use or other consumption in this State. (NRS 360.765, 372.220)

Section 55 of this bill provides that if an applicant for a state business license is a business organized pursuant to title 7 of NRS and on file with the Secretary of State, the applicant must include in its application the exact name on file with the Secretary of State. (NRS 360.780) Section 55 also clarifies that for the purposes of the statutory provisions requiring a person to obtain a state business license, a person is deemed to be conducting a business in this State if a business for which the person is responsible has a registered agent in this State.

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

Section 1. Chapter 77 of NRS is hereby amended by adding thereto a new section to read as follows:

If an entity has made a filing with the Secretary of State pursuant to this chapter and the Secretary of State has not processed the filing and placed the filing into the public record, the entity may cancel the filing by:

1. *Filing a statement of cancellation with the Secretary of State; and*
2. *Paying a fee of \$50.*

Sec. 1.5. NRS 77.300 is hereby amended to read as follows:

~~77.300 Whenever a provision of this chapter [other than paragraph (d) of subsection 1 of NRS 77.370] requires that a filing state an address, the filing must state:~~

1. ~~An actual street address or rural route box number in this State; and~~
2. ~~A mailing address in this State, if different from the address under subsection 1.~~

~~Sec. 2. [NRS 77.310 is hereby amended to read as follows:~~

~~77.310 1. A registered agent filing must state:~~

~~(a) The name of the represented entity's commercial registered agent; or~~

~~(b) If the entity does not have a commercial registered agent:~~

~~(1) The name and address of the entity's noncommercial registered agent; or~~

~~(2) The title of an office or other position with the entity if service of process is to be sent to the person holding that office or position, and the address of the business office of that person.~~

~~2. The appointment of a registered agent pursuant to paragraph (a) or (b) of subsection 1 must [be accompanied by a certificate of acceptance of the appointment by] include a declaration under penalty of perjury that the registered agent [.] has accepted the appointment.~~

~~3. If a registered agent who is named as the registered agent in the registered agent filing pursuant to subsection 1 has not accepted the appointment as a registered agent, the registered agent may, within 30 days after the date of filing of the registered agent filing, file a statement of rejection of appointment with the Secretary of State. The Secretary of State shall not charge a fee for the filing of a statement of rejection of appointment. A statement of rejection of appointment shall be deemed to have the same legal effect as a statement of resignation pursuant to NRS 77.370. (Deleted by amendment.)~~

Sec. 2.5. NRS 77.370 is hereby amended to read as follows:

77.370 1. A registered agent may resign at any time with respect to a represented entity by filing with the Secretary of State a statement of resignation signed by or on behalf of the agent which states:

- (a) The name of the entity;
- (b) The name of the agent; *and*

(c) That the agent resigns from serving as agent for service of process for the entity ~~, f and~~

~~(d) The name and address of the person to which the agent will send the notice required by subsection 3.~~

2. A statement of resignation takes effect on the earlier of the 31st day after the day on which it is filed or the appointment of a new registered agent for the represented entity.

3. The registered agent shall promptly furnish the represented entity with notice in a record of the date on which a statement of resignation was filed ~~, f~~ and shall file with the Secretary of State an affidavit stating that written notice of the resignation has been provided to each represented entity. The affidavit must include the name of each represented entity that was provided notice, but is not required to include the contact information of the represented entity or the names of the interest holders of the represented entity. The registered agent shall keep a copy of each notice provided to a represented entity on file for 1 year after the date of filing the statement of resignation and shall make any such copy available to the Secretary of State upon request.

4. When a statement of resignation takes effect, the registered agent ceases to have responsibility for any matter tendered to it as agent for the represented entity. A resignation under this section does not affect any contractual rights the entity may have against the agent or that the agent may have against the entity.

5. A registered agent may resign with respect to a represented entity whether or not the entity is in good standing.

Sec. 3. NRS 78.0295 is hereby amended to read as follows:

78.0295 1. A corporation may correct a record filed in the Office of the Secretary of State with respect to the corporation if the record contains an inaccurate description of a corporate action or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the corporation must:

(a) Prepare a certificate of correction which:

- (1) States the name of the corporation;
- (2) Describes the record, including, without limitation, its filing date;
- (3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by an officer of the corporation or, if no stock has been issued by the corporation, by the incorporator or a director of the corporation.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a corporation has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the corporation may cancel the filing by:*

- (a) *Filing a statement of cancellation with the Secretary of State; and*
- (b) *Paying the required fee pursuant to subsection 7 of NRS 78.785.*

Sec. 4. NRS 78.150 is hereby amended to read as follows:

78.150 1. A corporation organized pursuant to the laws of this State shall, on or before the last day of the first month after the filing of its articles of incorporation with the Secretary of State, file with the Secretary of State a list, on a form furnished by him, containing:

- (a) The name of the corporation;
- (b) The file number of the corporation, if known;
- (c) The names and titles of the president, secretary and treasurer, or the equivalent thereof, and of all the directors of the corporation;
- (d) The address, either residence or business, of each officer and director listed, following the name of the officer or director;
- (e) The information required pursuant to NRS 77.310; and
- (f) The signature of an officer of the corporation certifying that the list is true, complete and accurate.

2. The corporation shall annually thereafter, on or before the last day of the month in which the anniversary date of incorporation occurs in each year, file with the Secretary of State, on a form furnished by him, an annual list containing all of the information required in subsection 1.

3. Each list required by subsection 1 or 2 must be accompanied by:

- (a) A declaration under penalty of perjury that the corporation:
 - (1) Has complied with the provisions of NRS 360.780; and
 - (2) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.
- (b) A statement as to whether the corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on his Internet website the Central Index Key of a corporation provided pursuant to this paragraph and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

4. Upon filing the list required by:

(a) Subsection 1, the corporation shall pay to the Secretary of State a fee of \$125.

(b) Subsection 2, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

\$75,000 or less	\$125
Over \$75,000 and not over \$200,000.....	175
Over \$200,000 and not over \$500,000	275

Over \$500,000 and not over \$1,000,000..... 375
 Over \$1,000,000:

For the first \$1,000,000..... 375

For each additional \$500,000 or fraction thereof..... 275

↳ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is \$11,100.

5. If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of \$75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 2, ~~cause to be mailed~~ provide to each corporation which is required to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 4 and a reminder to file the annual list required by subsection 2. Failure of any corporation to receive a notice ~~for~~ ~~form~~ does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective in any respect or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and must be accompanied by the appropriate fee as provided in subsection 4 for filing. A payment submitted pursuant to this subsection does not satisfy the requirements of subsection 2 for the year to which the due date is applicable.

Sec. 5. NRS 78.152 is hereby amended to read as follows:

78.152 1. In addition to any records required to be kept at the registered office pursuant to NRS 78.105, a corporation that is not a publicly traded corporation shall maintain at its registered office or principal place of business in this State:

- (a) A current list of its owners of record; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ Upon the request of the Secretary of State, the corporation shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a corporation to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a corporation fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the corporate charter.

5. The Secretary of State shall not reinstate or revive a charter that was revoked or suspended pursuant to subsection 4 unless:

(a) The corporation complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the corporate charter.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 6. ~~NRS 78.580 is hereby amended to read as follows:~~

~~78.580 1. Except under the circumstances described in subsection 2:~~

~~(a) If the board of directors of any corporation organized under this chapter, after the issuance of stock or the beginning of business, decides that the corporation should be dissolved, the board may adopt a resolution to that effect. If the corporation has issued no stock, only the directors need to approve the dissolution. If the corporation has issued stock, the directors must recommend the dissolution to the stockholders. The corporation shall notify each stockholder entitled to vote on dissolution, and the stockholders entitled to vote must approve the dissolution.~~

~~[2.] (b) If the dissolution is approved by the directors or both the directors and stockholders, as respectively provided in [subsection 1,] paragraph (a), the corporation shall file with the Office of the Secretary of State a certificate signed by an officer of the corporation setting forth that the dissolution has been approved by the directors, or by the directors and the stockholders, and a list of the names and addresses, either residence or business, of the corporation's president, secretary and treasurer, or the equivalent thereof, and all of its directors.~~

~~2. A corporation whose charter has been revoked pursuant to this chapter may be dissolved by:~~

~~(a) Filing with the Secretary of State a certificate of dissolution; and~~

~~(b) Paying a fee of \$500.~~

~~3. [The] A dissolution pursuant to subsection 1 or 2 takes effect upon the filing of the certificate of dissolution or upon a later date specified in the certificate, which must be not more than 90 days after the date on which the certificate is filed. (Deleted by amendment.)~~

Sec. 7. Chapter 78A of NRS is hereby amended by adding thereto a new section to read as follows:

If a close corporation has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the close corporation may cancel the filing by:

1. *Filing a statement of cancellation with the Secretary of State; and*
2. *Paying the required fee pursuant to subsection 7 of NRS 78.785.*

Sec. 8. NRS 80.007 is hereby amended to read as follows:

80.007 1. A foreign corporation may correct a record filed in the Office of the Secretary of State if the record contains an incorrect statement or was defectively signed, attested, sealed or verified.

2. To correct a record, the corporation must:

(a) Prepare a certificate of correction which:

- (1) States the name of the corporation;
- (2) Describes the record, including, without limitation, its filing date;
- (3) Specifies the inaccuracy or defect;
- (4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by an officer of the corporation or, if no stock has been issued by the corporation, by the incorporator or a director of the corporation.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a foreign corporation has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the foreign corporation may cancel the filing by:*

- (a) *Filing a statement of cancellation with the Secretary of State; and*
- (b) *Paying the required fee pursuant to subsection 7 of NRS 78.785.*

Sec. 9. NRS 80.110 is hereby amended to read as follows:

80.110 1. Each foreign corporation doing business in this State shall, on or before the last day of the first month after the filing of its certificate of corporate existence with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The names and addresses, either residence or business, of its president, secretary and treasurer, or the equivalent thereof, and all of its directors;

(b) The information required pursuant to NRS 77.310; and

(c) The signature of an officer of the corporation.

2. Each list filed pursuant to subsection 1 must be accompanied by:

(a) A declaration under penalty of perjury that the foreign corporation has complied with the provisions of NRS 360.780 and which acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

(b) A statement as to whether the foreign corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on his Internet website the Central Index Key of a corporation provided pursuant to this subsection and instructions describing the manner in which a member of

the public may obtain information concerning the corporation from the Securities and Exchange Commission.

3. Upon filing:

(a) The initial list required by subsection 1, the corporation shall pay to the Secretary of State a fee of \$125.

(b) Each annual list required by subsection 1, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

\$75,000 or less	\$125
Over \$75,000 and not over \$200,000	175
Over \$200,000 and not over \$500,000	275
Over \$500,000 and not over \$1,000,000.....	375
Over \$1,000,000:	
For the first \$1,000,000	375
For each additional \$500,000 or fraction thereof	275

↳ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is \$11,100.

4. If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, ~~cause to be mailed~~ provide to each corporation which is required to comply with the provisions of NRS 80.110 to 80.175, inclusive, and which has not become delinquent, ~~the blank forms to be completed and filed with him.~~ a notice of the fee due pursuant to subsection 3 and a reminder to file the list pursuant to subsection 1. Failure of any corporation to receive ~~the forms~~ a notice does not excuse it from the penalty imposed by the provisions of NRS 80.110 to 80.175, inclusive.

6. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 10. NRS 80.113 is hereby amended to read as follows:

80.113 1. A foreign corporation that is not a publicly traded corporation shall maintain at its registered office or principal place of business in this State:

- (a) A current list of its owners of record; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ Upon the request of the Secretary of State, the foreign corporation shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign corporation to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign corporation fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the foreign corporation to transact business in this State.

5. The Secretary of State shall not reinstate or revive the right of a foreign corporation to transact business that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign corporation complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the foreign corporation to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 11. NRS 81.006 is hereby amended to read as follows:

81.006 1. A nonprofit cooperative corporation, a cooperative association, a charitable organization or any other entity formed under the provisions of this chapter may correct a record filed with the Secretary of State with respect to the entity if the record contains an inaccurate description of an action or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the entity must:

(a) Prepare a certificate of correction which:

(1) States the name of the entity;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by an officer of the entity or, if the certificate is filed before the first meeting of the board of directors, by an incorporator or director.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$25 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and

adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a nonprofit cooperative corporation, a cooperative association, a charitable organization or any other entity formed under the provisions of this chapter has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the nonprofit cooperative corporation, cooperative association, charitable organization or other entity may cancel the filing by:*

- (a) *Filing a statement of cancellation with the Secretary of State; and*
- (b) *Paying a fee of \$50.*

Sec. 12. NRS 82.183 is hereby amended to read as follows:

82.183 1. A corporation shall maintain at its registered office or principal place of business in this State:

- (a) A current list of its owners of record; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ Upon the request of the Secretary of State, the corporation shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a corporation to:

- (a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
- (b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a corporation fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the corporation to transact business in this State.

5. The Secretary of State shall not reinstate or revive the right of a corporation to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

- (a) The corporation complies with the requirements of subsection 3; or
- (b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the corporation to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 13. NRS 82.523 is hereby amended to read as follows:

82.523 1. Each foreign nonprofit corporation doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign nonprofit corporation with the

Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

- (a) The name of the foreign nonprofit corporation;
- (b) The file number of the foreign nonprofit corporation, if known;
- (c) The names and titles of the president, the secretary and the treasurer, or the equivalent thereof, and all the directors of the foreign nonprofit corporation;
- (d) The address, either residence or business, of the president, secretary and treasurer, or the equivalent thereof, and each director of the foreign nonprofit corporation;
- (e) The information required pursuant to NRS 77.310; and
- (f) The signature of an officer of the foreign nonprofit corporation certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign nonprofit corporation:

- (a) Has complied with the provisions of NRS 360.780; and
- (b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

3. Upon filing the initial list and each annual list pursuant to this section, the foreign nonprofit corporation must pay to the Secretary of State a fee of \$25.

4. The Secretary of State shall, 60 days before the last day for filing each annual list, ~~cause to be mailed~~ *provide* to each foreign nonprofit corporation which is required to comply with the provisions of NRS 82.523 to 82.5239, inclusive, and which has not become delinquent, ~~the blank forms to be completed and filed with him.~~ *a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1.* Failure of any foreign nonprofit corporation to receive ~~the forms~~ *a notice* does not excuse it from the penalty imposed by the provisions of NRS 82.523 to 82.5239, inclusive.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list for a foreign nonprofit corporation not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 14. NRS 82.534 is hereby amended to read as follows:

82.534 1. A corporation may correct a record filed in the Office of the Secretary of State with respect to the corporation if the record contains an inaccurate description of a corporate action or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the corporation must:

(a) Prepare a certificate of correction which:

- (1) States the name of the corporation;
- (2) Describes the record, including, without limitation, its filing date;
- (3) Specifies the inaccuracy or defect;
- (4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by an officer of the corporation or, if the certificate is filed before the first meeting of the board of directors, by an incorporator or director.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$25 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a corporation has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the corporation may cancel the filing by:*

- (a) Filing a statement of cancellation with the Secretary of State; and*
- (b) Paying a fee of \$50.*

Sec. 15. ~~[Chapter 84 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A corporation sole whose charter has been revoked pursuant to this chapter may be dissolved by:~~

- ~~(a) Filing with the Secretary of State a certificate of dissolution; and~~
- ~~(b) Paying a fee of \$500.~~

~~2. The certificate of dissolution becomes effective upon the filing of the certificate of dissolution or upon a later date specified in the certificate, which must be not more than 90 days after the date on which the certificate is filed. (Deleted by amendment.)~~

Sec. 16. NRS 84.009 is hereby amended to read as follows:

84.009 1. A corporation sole may correct a record filed with the Office of the Secretary of State with respect to the corporation sole if the record contains an inaccurate description of an action of the corporation sole or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the corporation sole must:

(a) Prepare a certificate of correction which:

- (1) States the name of the corporation sole;
- (2) Describes the record, including, without limitation, its filing date;
- (3) Specifies the inaccuracy or defect;
- (4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by an archbishop, bishop, president, trustee in trust, president of stake, president of congregation, overseer, presiding elder,

district superintendent or other presiding officer or clergyman of a church, religious society or denomination, who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church, religious society or denomination, and in whom is vested the legal title to the property held for the purpose, use or benefit of the church or religious society or denomination.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$25 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a corporation sole has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the corporation sole may cancel the filing by:*

(a) *Filing a statement of cancellation with the Secretary of State; and*

(b) *Paying a fee of \$50.*

Sec. 17. NRS 86.246 is hereby amended to read as follows:

86.246 1. In addition to any records required to be kept pursuant to NRS 86.241, a limited-liability company shall maintain at its registered office or principal place of business in this State:

(a) A current list of each member and manager; or

(b) A statement indicating where such a list is maintained.

2. ~~{A}~~ *Upon the request of the Secretary of State, the limited-liability company shall:*

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a limited-liability company to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a limited-liability company fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the charter of the limited-liability company.

5. The Secretary of State shall not reinstate or revive a charter that was revoked or suspended pursuant to subsection 4 unless:

(a) The limited-liability company complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the charter.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 18. NRS 86.263 is hereby amended to read as follows:

86.263 1. A limited-liability company shall, on or before the last day of the first month after the filing of its articles of organization with the Secretary of State, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited-liability company;

(b) The file number of the limited-liability company, if known;

(c) The names and titles of all of its managers or, if there is no manager, all of its managing members;

(d) The address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member;

(e) The information required pursuant to NRS 77.310; and

(f) The signature of a manager or managing member of the limited-liability company certifying that the list is true, complete and accurate.

2. The limited-liability company shall thereafter, on or before the last day of the month in which the anniversary date of its organization occurs, file with the Secretary of State, on a form furnished by him, an annual list containing all of the information required in subsection 1.

3. Each list required by subsections 1 and 2 must be accompanied by a declaration under penalty of perjury that the limited-liability company:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

4. Upon filing:

(a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of \$125.

(b) Each annual list required by subsection 2, the limited-liability company shall pay to the Secretary of State a fee of \$125.

5. If a manager or managing member of a limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of \$75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, ~~cause to be mailed~~ provide to each limited-liability company which is required to comply with the provisions of

this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file ~~[a]~~ the list required by subsection 2. Failure of any company to receive a notice ~~[or form]~~ does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a limited-liability company not in default received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

Sec. 19. ~~[NRS 86.491 is hereby amended to read as follows:~~

~~86.491 1. A limited-liability company must be dissolved and its affairs wound up:~~

~~(a) At the time, if any, specified in the articles of organization;~~
~~(b) Upon the occurrence of an event specified in an operating agreement;~~
~~(c) Unless otherwise provided in the articles of organization or operating agreement, upon the affirmative vote or written agreement of all the members; [or]~~

~~(d) Upon entry of a decree of judicial dissolution pursuant to NRS 86.495 [.] or~~

~~(e) If the charter of the limited liability company has been revoked pursuant to this chapter, upon filing with the Secretary of State a certificate of dissolution and paying a fee of \$500.~~

~~2. The affairs of a series of a limited liability company must be wound up:~~

~~(a) At the time, if any, specified in the articles of organization;~~
~~(b) Upon the occurrence of an event specified in the operating agreement;~~
~~(c) Unless otherwise provided in the articles of organization or operating agreement, upon the affirmative vote or written agreement of all the members associated with the series; or~~

~~(d) Upon entry of a decree of judicial termination of the series pursuant to NRS 86.495.~~

~~3. Unless otherwise provided in the articles of organization or operating agreement, upon the occurrence of an event requiring the affairs of a series to be wound up, a manager of the series who has not wrongfully terminated the series or, if none, the members associated with a series, or a person approved by all those members, may wind up the affairs of the series. Unless otherwise provided in the articles of organization or operating agreement, the person or persons winding up the affairs of the series:~~

~~(a) May take all actions necessary or proper to wind up the affairs of the series; and~~

~~(b) Shall distribute the assets of the series as provided in NRS 86.521 to the creditors of the series and the members associated with the series.~~

~~4. Except as otherwise provided in the articles of organization or operating agreement, the death, retirement, resignation, expulsion,~~

~~bankruptcy, dissolution or dissociation of a member or any other event affecting a member, including, without limitation, a sole member, does not:~~

- ~~(a) Terminate the status of the person as a member; or~~
- ~~(b) Cause the limited liability company to be dissolved or its affairs to be wound up.~~

~~5. Except as otherwise provided in the articles of organization or operating agreement, upon the death of a natural person who is the sole member of a limited liability company or the sole member associated with a series, the status of the member, including the member's interest, may pass to the heirs, successors and assigns of the member by will or applicable law. The heir, successor or assign of the member's interest becomes a substituted member pursuant to NRS 86.351, subject to administration as provided by applicable law, without the permission or consent of the heirs, successors or assigns or those administering the estate of the deceased member. (*Deleted by amendment.*)~~

Sec. 20. NRS 86.5461 is hereby amended to read as follows:

86.5461 1. Each foreign limited-liability company doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited-liability company with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list on a form furnished by him that contains:

- (a) The name of the foreign limited-liability company;
- (b) The file number of the foreign limited-liability company, if known;
- (c) The names and titles of all its managers or, if there is no manager, all its managing members;
- (d) The address, either residence or business, of each manager or managing member listed pursuant to paragraph (c);
- (e) The information required pursuant to NRS 77.310; and
- (f) The signature of a manager or managing member of the foreign limited-liability company certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign limited-liability company:

- (a) Has complied with the provisions of NRS 360.780; and
- (b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

3. Upon filing:

- (a) The initial list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of \$125.
- (b) Each annual list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of \$125.

4. If a manager or managing member of a foreign limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the foreign limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by this section, ~~cause to be mailed~~ provide to each foreign limited-liability company which is required to comply with the provisions of NRS 86.5461 to 86.5468, inclusive, and which has not become delinquent, ~~the blank forms to be completed and filed with him.~~ a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited-liability company to receive ~~the forms~~ a notice does not excuse it from the penalty imposed by the provisions of NRS 86.5461 to 86.5468, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited-liability company not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of this section for the year to which the due date is applicable.

Sec. 21. NRS 86.54615 is hereby amended to read as follows:

86.54615 1. A foreign limited-liability company shall maintain at its registered office or principal place of business in this State:

- (a) A current list of each member and manager; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ Upon the request of the Secretary of State, the foreign limited-liability company shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign limited-liability company to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign limited-liability company fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any

action necessary, including, without limitation, the suspension or revocation of the registration of the foreign limited-liability company.

5. The Secretary of State shall not reinstate or revive a registration that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign limited-liability company complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 22. NRS 86.568 is hereby amended to read as follows:

86.568 1. A limited-liability company may correct a record filed in the Office of the Secretary of State with respect to the limited-liability company if the record contains an inaccurate description of a company action or was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the limited-liability company must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited-liability company;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by a manager of the company or, if management is not vested in a manager, by a member of the company.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a limited-liability company has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the limited-liability company may cancel the filing by:*

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of \$50.

Sec. 23. NRS 87.480 is hereby amended to read as follows:

87.480 A registered limited-liability partnership must have a registered agent who resides or is located in this State. A registered agent must have a street address for the service of process that is the principal office of the registered limited-liability ~~company~~ partnership in this State, and may have a separate mailing address that is different from his street address.

Sec. 24. NRS 87.510 is hereby amended to read as follows:

87.510 1. A registered limited-liability partnership shall, on or before the last day of the first month after the filing of its certificate of registration

with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of registration with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

- (a) The name of the registered limited-liability partnership;
- (b) The file number of the registered limited-liability partnership, if known;
- (c) The names of all of its managing partners;
- (d) The address, either residence or business, of each managing partner;
- (e) The information required pursuant to NRS 77.310; and
- (f) The signature of a managing partner of the registered limited-liability partnership certifying that the list is true, complete and accurate.

↪ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the registered limited-liability partnership has complied with the provisions of NRS 360.780, an acknowledgment that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Upon filing:

- (a) The initial list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of \$125.
- (b) Each annual list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of \$125.

3. If a managing partner of a registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the registered limited-liability partnership or the resigning managing partner shall pay to the Secretary of State a fee of \$75 to file the resignation.

4. The Secretary of State shall, at least 90 days before the last day for filing each annual list required by subsection 1, ~~cause to be mailed~~ provide to the registered limited-liability partnership a notice of the fee due pursuant to subsection 2 and a reminder to file the annual list required by subsection 1. The failure of any registered limited-liability partnership to receive a notice ~~for form~~ does not excuse it from complying with the provisions of this section.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective, or the fee required by subsection 2 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list that is filed by a registered limited-liability partnership which is not in default more than 90 days before it is due shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 25. NRS 87.515 is hereby amended to read as follows:

87.515 1. A registered limited-liability partnership shall maintain at its registered office or principal place of business in this State:

- (a) A current list of its managing partners; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ Upon the request of the Secretary of State, the registered limited-liability partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a registered limited-liability partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a registered limited-liability partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of registration.

5. The Secretary of State shall not reinstate or revive a certificate of registration that was revoked or suspended pursuant to subsection 4 unless:

(a) The registered limited-liability partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate of registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 26. NRS 87.541 is hereby amended to read as follows:

87.541 1. Each foreign registered limited-liability partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign registered limited-liability partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign registered limited-liability partnership;

(b) The file number of the foreign registered limited-liability partnership, if known;

(c) The names of all its managing partners;

(d) The address, either residence or business, of each managing partner;

(e) The information required pursuant to NRS 77.310; and

(f) The signature of a managing partner of the foreign registered limited-liability partnership certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign registered limited-liability partnership:

- (a) Has complied with the provisions of NRS 360.780; and
- (b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of \$125.

(b) Each annual list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of \$125.

4. If a managing partner of a foreign registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the foreign registered limited-liability partnership or the managing partner shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, ~~cause to be mailed~~ provide to each foreign registered limited-liability partnership which is required to comply with the provisions of NRS 87.541 to 87.544, inclusive, and which has not become delinquent, ~~the blank forms to be completed and filed with him.~~ a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign registered limited-liability partnership to receive ~~the forms~~ a notice does not excuse it from the penalty imposed by the provisions of NRS 87.541 to 87.544, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign registered limited-liability partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 27. NRS 87.5413 is hereby amended to read as follows:

87.5413 1. A foreign registered limited-liability partnership shall maintain at its registered office or principal place of business in this State:

- (a) A current list of its managing partners; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ Upon the request of the Secretary of State, the foreign registered limited-liability partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign registered limited-liability partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign registered limited-liability partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the foreign registered limited-liability partnership to transact business in this State.

5. The Secretary of State shall not reinstate or revive the right of a foreign registered limited-liability partnership to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The registered limited-liability partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the foreign registered limited-liability partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 28. NRS 87.5435 is hereby amended to read as follows:

87.5435 1. Except as otherwise provided in subsections 3 and 4 and NRS 87.5413, the Secretary of State shall reinstate a foreign registered limited-liability partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign registered limited-liability partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State ~~the~~ :

(1) *The list required by NRS 87.541; and*

(2) *The information required pursuant to NRS 77.310; and*

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 87.541 and 87.5425 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of \$300 for reinstatement.

2. When the Secretary of State reinstates the foreign registered limited-liability partnership, he shall issue to the foreign registered

limited-liability partnership a certificate of reinstatement if the foreign registered limited-liability partnership:

- (a) Requests a certificate of reinstatement; and
- (b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign registered limited-liability partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

5. Except as otherwise provided in NRS 87.544, a reinstatement pursuant to this section relates back to the date on which the foreign registered limited-liability partnership forfeited its right to transact business under the provisions of this chapter and reinstates the foreign registered limited-liability partnership's right to transact business as if such right had at all times remained in full force and effect.

Sec. 29. NRS 87.547 is hereby amended to read as follows:

87.547 1. A registered limited-liability partnership may correct a record filed in the Office of the Secretary of State with respect to the registered limited-liability partnership if the record contains an inaccurate description of a partnership action or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the registered limited-liability partnership must:

(a) Prepare a certificate of correction that:

- (1) States the name of the registered limited-liability partnership;
- (2) Describes the record, including, without limitation, its filing date;
- (3) Specifies the inaccuracy or defect;
- (4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by a managing partner of the registered limited-liability partnership.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a registered limited-liability partnership has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the registered limited-liability partnership may cancel the filing by:*

- (a) *Filing a statement of cancellation with the Secretary of State; and*
- (b) *Paying a fee of \$50.*

Sec. 30. NRS 87A.200 is hereby amended to read as follows:

87A.200 1. A limited partnership shall maintain at its registered office or principal place of business in this State:

- (a) A current list of each general partner; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ Upon the request of the Secretary of State, the limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a limited partnership to:

- (a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
- (b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the limited partnership to transact any business in this State.

5. The Secretary of State shall not reinstate or revive the right of a limited partnership to transact any business in this State that was revoked or suspended pursuant to subsection 4 unless:

- (a) The limited partnership complies with the requirements of subsection 3; or
- (b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 31. NRS 87A.275 is hereby amended to read as follows:

87A.275 1. A limited partnership or foreign limited partnership may correct a record filed in the Office of the Secretary of State with respect to the limited partnership or foreign limited partnership if the record contains false or erroneous information or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the limited partnership or foreign limited partnership must:

- (a) Prepare a certificate of correction that:

(1) States the name of the limited partnership or foreign limited partnership;

- (2) Describes the record, including, without limitation, its filing date;
- (3) Specifies the false or erroneous information or the defect;
- (4) Sets forth the false or erroneous information or the defective portion of the record in an accurate or corrected form; and
- (5) Is signed by a general partner of the limited partnership or foreign limited partnership.

- (b) Deliver the certificate to the Secretary of State for filing.
- (c) Pay a filing fee of \$175 to the Secretary of State.

3. A certificate of correction must not state a delayed effective date and is effective on the effective date of the record it corrects, except that the certificate is effective when filed:

- (a) For the purposes of subsections 3 and 4 of NRS 87A.150; and
- (b) As to persons relying on the uncorrected record and adversely affected by the correction.

4. *If a limited partnership or foreign limited partnership has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the limited partnership or foreign limited partnership may cancel the filing by:*

- (a) *Filing a statement of cancellation with the Secretary of State; and*
- (b) *Paying a fee of \$50.*

Sec. 32. NRS 87A.290 is hereby amended to read as follows:

87A.290 1. A limited partnership shall, on or before the last day of the first month after the filing of its certificate of limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

- (a) The name of the limited partnership;
- (b) The file number of the limited partnership, if known;
- (c) The names of all of its general partners;
- (d) The address, either residence or business, of each general partner;
- (e) The information required pursuant to NRS 77.310; and
- (f) The signature of a general partner of the limited partnership certifying that the list is true, complete and accurate.

↪ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of NRS 360.780 and which acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

- (a) The initial list required by subsection 1, pay to the Secretary of State a fee of \$125.
- (b) Each annual list required by subsection 1, pay to the Secretary of State a fee of \$125.

3. A registered limited-liability limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of \$125.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of \$125.

4. If a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, ~~cause to be mailed~~ provide to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as appropriate, and a reminder to file the annual list ~~[-]~~ required pursuant to subsection 1. Failure of any limited partnership to receive a notice ~~[-]~~ does not excuse it from the penalty imposed by NRS 87A.300.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 or 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A filing made pursuant to this section does not satisfy the provisions of NRS 87A.240 and may not be substituted for filings submitted pursuant to NRS 87A.240.

Sec. 33. ~~[NRS 87A.490 is hereby amended to read as follows:~~

~~87A.490 Except as otherwise provided in NRS 87A.495, a limited partnership is dissolved, and its activities must be wound up, only upon the occurrence of any of the following:~~

~~1. The happening of an event specified in the partnership agreement;~~
~~2. The consent of all general partners and of limited partners owning a majority of the rights to receive distributions as limited partners at the time the consent is to be effective;~~

~~3. After the withdrawal of a person as a general partner:~~

~~(a) If the limited partnership has at least one remaining general partner, the consent to dissolve the limited partnership given within 90 days after the withdrawal by partners owning a majority of the rights to receive distributions as partners at the time the consent is to be effective; or~~

~~(b) If the limited partnership does not have a remaining general partner, the passage of 90 days after the withdrawal, unless before the end of the period:~~

~~(1) Consent to continue the activities of the limited partnership and admit at least one general partner is given by limited partners owning a~~

~~majority of the rights to receive distributions as limited partners at the time the consent is to be effective; and~~

~~(2) At least one person is admitted as a general partner in accordance with the consent; [or]~~

~~4. The passage of 90 days after the withdrawal of the limited partnership's last limited partner, unless before the end of the period the limited partnership admits at least one limited partner [.] ; or~~

~~5. If the certificate of limited partnership of the limited partnership has been revoked pursuant to this chapter, upon filing with the Secretary of State a certificate of dissolution and paying a fee of \$500. (Deleted by amendment.)~~

Sec. 34. NRS 87A.560 is hereby amended to read as follows:

87A.560 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

- (a) The name of the foreign limited partnership;
- (b) The file number of the foreign limited partnership, if known;
- (c) The names of all its general partners;
- (d) The address, either residence or business, of each general partner;
- (e) The information required pursuant to NRS 77.310; and
- (f) The signature of a general partner of the foreign limited partnership certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign limited partnership:

- (a) Has complied with the provisions of NRS 360.780; and
- (b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

- (a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of \$125.
- (b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of \$125.

4. If a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of \$75 to file the resignation of the general partner.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, ~~cause to be mailed~~ provide to each foreign limited partnership, which is required to comply with the provisions

of NRS 87A.560 to 87A.600, inclusive, and which has not become delinquent, ~~[the blank forms to be completed and filed with him.]~~ a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited partnership to receive ~~[the forms]~~ a notice does not excuse it from the penalty imposed by the provisions of NRS 87A.560 to 87A.600, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 35. NRS 87A.580 is hereby amended to read as follows:

87A.580 1. A foreign limited partnership shall maintain at its registered office or principal place of business in this State:

- (a) A current list of each general partner; or
- (b) A statement indicating where such a list is maintained.

2. ~~[The]~~ Upon the request of the Secretary of State, the foreign limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign limited partnership to:

- (a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
- (b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate authorizing the foreign limited partnership to transact business in this State.

5. The Secretary of State shall not reinstate or revive a certificate authorizing a foreign limited partnership to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

- (a) The foreign limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate authorizing the foreign limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 36. NRS 87A.630 is hereby amended to read as follows:

87A.630 1. To become a registered limited-liability limited partnership, a limited partnership shall file with the Secretary of State a certificate of registration stating each of the following:

- (a) The name of the limited partnership.
- (b) The street address of its principal office.
- (c) The information required pursuant to NRS 77.310.
- (d) The name and business address of each organizer signing the certificate.
- (e) The name and business address of each initial general partner.
- (f) That the limited partnership thereafter will be a registered limited-liability limited partnership.
- (g) Any other information that the limited partnership wishes to include.

2. The certificate of registration must be signed by the vote necessary to amend the partnership agreement or, in the case of a partnership agreement that expressly considers contribution obligations, the vote necessary to amend those provisions.

3. The Secretary of State shall register as a registered limited-liability limited partnership any limited partnership that submits a completed certificate of registration with the required fee.

4. *A partnership may register as a registered limited-liability limited partnership at the time it files a certificate of limited partnership by filing a combined certificate of limited partnership and limited-liability limited partnership with the Secretary of State and paying the fees prescribed in subsections 1 and 2 of NRS 87A.315.*

5. The registration of a registered limited-liability limited partnership is effective on the later of the filing of the certificate of registration or a date specified in the certificate of registration.

Sec. 37. NRS 87A.640 is hereby amended to read as follows:

87A.640 1. A registered limited-liability limited partnership shall maintain at its registered office or principal place of business in this State:

- (a) A current list of each general partner; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ Upon the request of the Secretary of State, the registered limited-liability limited partnership shall:

- (a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a registered limited-liability limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a registered limited-liability limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of registration.

5. The Secretary of State shall not reinstate or revive a certificate of registration that was revoked or suspended pursuant to subsection 4 unless:

(a) The registered limited-liability limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate of registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 38. NRS 88.3355 is hereby amended to read as follows:

88.3355 1. A limited partnership shall maintain at its registered office or principal place of business in this State:

(a) A current list of each general partner; or

(b) A statement indicating where such a list is maintained.

2. ~~The~~ Upon the request of the Secretary of State, the limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the limited partnership to transact any business in this State.

5. The Secretary of State shall not reinstate or revive the right of a limited partnership to transact any business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 39. NRS 88.339 is hereby amended to read as follows:

88.339 1. A limited partnership may correct a record filed in the Office of the Secretary of State with respect to the limited partnership if the record contains an inaccurate description of a partnership action or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the limited partnership must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited partnership;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by a general partner of the limited partnership.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a limited partnership has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the limited partnership may cancel the filing by:*

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of \$50.

Sec. 40. NRS 88.395 is hereby amended to read as follows:

88.395 1. A limited partnership shall, on or before the last day of the first month after the filing of its certificate of limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The address, either residence or business, of each general partner;

(e) The information required pursuant to NRS 77.310; and

(f) The signature of a general partner of the limited partnership certifying that the list is true, complete and accurate.

↪ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of NRS 360.780 and which acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of \$125.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of \$125.

3. A registered limited-liability limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of \$125.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of \$175.

4. If a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, ~~cause to be mailed~~ provide to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as appropriate, and a reminder to file the annual list ~~is~~ required pursuant to subsection 1. Failure of any limited partnership to receive a notice ~~or form~~ does not excuse it from the penalty imposed by NRS 88.400.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 or 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A filing made pursuant to this section does not satisfy the provisions of NRS 88.355 and may not be substituted for filings submitted pursuant to NRS 88.355.

Sec. 41. ~~NRS 88.550 is hereby amended to read as follows:~~

~~88.550 A limited partnership is dissolved and its affairs must be wound up upon the happening of the first of the following to occur:~~

~~1. At the time specified in the certificate of limited partnership;~~

~~2. Upon the happening of events specified in writing in the partnership agreement;~~

~~3. Written consent of all partners;~~

~~4. An event of withdrawal of a general partner unless at the time there is at least one other general partner and the written provisions of the partnership agreement permit the business of the limited partnership to be carried on by the remaining general partner and that partner does so, but the limited partnership is not dissolved and is not required to be wound up by reason of any event of withdrawal if, within 90 days after the withdrawal, all partners agree in writing to continue the business of the limited partnership and to the appointment of one or more additional general partners if necessary or desired; [or]~~

~~5. Entry of a decree of judicial dissolution under NRS 88.555 [.] ; or~~

~~6. If the certificate of limited partnership of the limited partnership has been revoked pursuant to this chapter, upon filing with the Secretary of State a certificate of dissolution and paying a fee of \$500. (Deleted by amendment.)~~

Sec. 42. NRS 88.591 is hereby amended to read as follows:

88.591 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign limited partnership;
 (b) The file number of the foreign limited partnership, if known;
 (c) The names of all its general partners;
 (d) The address, either residence or business, of each general partner;
 (e) The information required pursuant to NRS 77.310; and
 (f) The signature of a general partner of the foreign limited partnership certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign limited partnership:

(a) Has complied with the provisions of NRS 360.780; and
 (b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of \$125.

(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of \$125.

4. If a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners,

the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of \$75 to file the resignation of the general partner.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, ~~cause to be mailed~~ provide to each foreign limited partnership, which is required to comply with the provisions of NRS 88.591 to 88.5945, inclusive, and which has not become delinquent, ~~the blank forms to be completed and filed with him.~~ a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited partnership to receive ~~the forms~~ a notice does not excuse it from the penalty imposed by the provisions of NRS 88.591 to 88.5945, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 43. NRS 88.5927 is hereby amended to read as follows:

88.5927 1. A foreign limited partnership shall maintain at its registered office or principal place of business in this State:

- (a) A current list of each general partner; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ Upon the request of the Secretary of State, the foreign limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate authorizing the foreign limited partnership to transact business in this State.

5. The Secretary of State shall not reinstate or revive a certificate authorizing a foreign limited partnership to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

- (a) The foreign limited partnership complies with the requirements of subsection 3; or
- (b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate authorizing the foreign limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 44. NRS 88.606 is hereby amended to read as follows:

88.606 1. To become a registered limited-liability limited partnership, a limited partnership shall file with the Secretary of State a certificate of registration stating each of the following:

- (a) The name of the limited partnership.
- (b) The street address of its principal office.
- (c) The information required pursuant to NRS 77.310.
- (d) The name and business address of each organizer signing the certificate.
- (e) The name and business address of each initial general partner.
- (f) That the limited partnership thereafter will be a registered limited-liability limited partnership.
- (g) Any other information that the limited partnership wishes to include.

2. The certificate of registration must be signed by the vote necessary to amend the partnership agreement or, in the case of a partnership agreement that expressly considers contribution obligations, the vote necessary to amend those provisions.

3. The Secretary of State shall register as a registered limited-liability limited partnership any limited partnership that submits a completed certificate of registration with the required fee.

4. *A partnership may register as a registered limited-liability limited partnership at the time of filing its certificate of limited partnership by filing a combined certificate of limited partnership and limited-liability limited partnership with the Secretary of State and paying the fees required pursuant to subsections 1 and 2 of NRS 88.415.*

5. The registration of a registered limited-liability limited partnership is effective at the time of the filing of the certificate of registration.

Sec. 45. NRS 88.6067 is hereby amended to read as follows:

88.6067 1. A registered limited-liability limited partnership shall maintain at its registered office or principal place of business in this State:

- (a) A current list of each general partner; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ Upon the request of the Secretary of State, the registered limited-liability limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a registered limited-liability limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a registered limited-liability limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of registration.

5. The Secretary of State shall not reinstate or revive a certificate of registration that was revoked or suspended pursuant to subsection 4 unless:

(a) The registered limited-liability limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate of registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 46. NRS 88A.345 is hereby amended to read as follows:

88A.345 1. ~~[A]~~ *Upon the request of the Secretary of State, a business trust shall:*

(a) Provide the Secretary of State with the name and contact information of the custodian of the ledger, duplicate ledger or statement described in subsection 1 of NRS 88A.340. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the ledger, duplicate ledger or statement described in subsection 1 of NRS 88A.340.

2. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a business trust to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the ledger, duplicate ledger or statement required to be maintained pursuant to subsection 1 of NRS 88A.340; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

3. If a business trust fails to comply with any requirement pursuant to subsection 2, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of trust.

4. The Secretary of State shall not reinstate or revive a certificate of trust that was revoked or suspended pursuant to subsection 3 unless:

- (a) The business trust complies with the requirements of subsection 2; or
- (b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the business trust.

5. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 47. NRS 88A.600 is hereby amended to read as follows:

88A.600 1. A business trust formed pursuant to this chapter shall, on or before the last day of the first month after the filing of its certificate of trust with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of trust with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list signed by at least one trustee that contains the name and street address of at least one trustee and the information required pursuant to NRS 77.310. Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the business trust:

- (a) Has complied with the provisions of NRS 360.780; and
- (b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Upon filing:

(a) The initial list required by subsection 1, the business trust shall pay to the Secretary of State a fee of \$125.

(b) Each annual list required by subsection 1, the business trust shall pay to the Secretary of State a fee of \$125.

3. If a trustee of a business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the business trust or the resigning trustee shall pay to the Secretary of State a fee of \$75 to file the resignation.

4. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, ~~cause to be mailed~~ provide to each business trust which is required to comply with the provisions of NRS 88A.600 to 88A.660, inclusive, and which has not become delinquent, ~~the blank forms to be completed and filed with him.~~ a notice of the fee due pursuant to subsection 2 and a reminder to file the list required pursuant to subsection 1. Failure of a business trust to receive ~~the forms~~ a notice does not excuse it from the penalty imposed by law.

5. An annual list for a business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

Sec. 48. NRS 88A.732 is hereby amended to read as follows:

88A.732 1. Each foreign business trust doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign business trust with the Secretary of

State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

- (a) The name of the foreign business trust;
- (b) The file number of the foreign business trust, if known;
- (c) The name of at least one of its trustees;
- (d) The address, either residence or business, of the trustee listed pursuant to paragraph (c);
- (e) The information required pursuant to NRS 77.310; and
- (f) The signature of a trustee of the foreign business trust certifying that the list is true, complete and accurate.

2. Each list required to be filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign business trust:

- (a) Has complied with the provisions of NRS 360.780; and
- (b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

- (a) The initial list required by this section, the foreign business trust shall pay to the Secretary of State a fee of \$125.
- (b) Each annual list required by this section, the foreign business trust shall pay to the Secretary of State a fee of \$125.

4. If a trustee of a foreign business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the foreign business trust or the resigning trustee shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, ~~cause to be mailed~~ provide to each foreign business trust which is required to comply with the provisions of NRS 88A.732 to 88A.738, inclusive, and which has not become delinquent, ~~the blank forms to be completed and filed with him.~~ a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign business trust to receive ~~the forms~~ a notice does not excuse it from the penalty imposed by the provisions of NRS 88A.732 to 88A.738, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 49. NRS 88A.7345 is hereby amended to read as follows:

88A.7345 1. A foreign business trust shall maintain at its registered office:

- (a) A current list of its beneficial owners; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ Upon the request of the Secretary of State, the foreign business trust shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign business trust to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign business trust fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the foreign business trust to transact business in this State.

5. The Secretary of State shall not reinstate or revive the right of a foreign business trust to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign business trust complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the foreign business trust to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 50. NRS 88A.930 is hereby amended to read as follows:

88A.930 1. A business trust may correct a record filed in the Office of the Secretary of State with respect to the business trust if the record contains an inaccurate description of a trust action or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the business trust must:

(a) Prepare a certificate of correction that:

- (1) States the name of the business trust;
- (2) Describes the record, including, without limitation, its filing date;
- (3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by a trustee of the business trust.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a business trust has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the business trust may cancel the filing by:*

(a) *Filing a statement of cancellation with the Secretary of State; and*

(b) *Paying a fee of \$50.*

Sec. 51. NRS 89.045 is hereby amended to read as follows:

89.045 1. A professional entity shall maintain at its registered office or principal place of business in this State:

(a) A current list of its owners of record; or

(b) A statement indicating where such a list is maintained.

2. ~~The~~ Upon the request of the Secretary of State, the professional entity shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a professional entity to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a professional entity fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the corporate charter.

5. The Secretary of State shall not reinstate or revive a charter that was revoked or suspended pursuant to subsection 4 unless:

(a) The professional entity complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the corporate charter.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 52. NRS 89.251 is hereby amended to read as follows:

89.251 1. A professional association shall maintain at its registered office or principal place of business in this State:

- (a) A current list of each member; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ Upon the request of the Secretary of State, the professional association shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a professional association to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a professional association fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the articles of association.

5. The Secretary of State shall not reinstate or revive articles of association that were revoked or suspended pursuant to subsection 4 unless:

(a) The professional association complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the articles of association.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 53. Chapter 92A of NRS is hereby amended by adding thereto a new section to read as follows:

If an entity has made a filing with the Secretary of State pursuant to this chapter and the Secretary of State has not processed the filing and placed the filing into the public record, the entity may cancel the filing by:

- 1. *Filing a statement of cancellation with the Secretary of State; and*
- 2. *Paying a fee of \$50.*

Sec. 54. NRS 360.765 is hereby amended to read as follows:

360.765 1. Except as otherwise provided in subsection 2, "business" means:

(a) Any person, except a natural person, that performs a service or engages in a trade for profit; ~~or~~

(b) Any natural person who performs a service or engages in a trade for profit if the person is required to file with the Internal Revenue Service a

Schedule C (Form 1040), Profit or Loss From Business Form, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss Form, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss From Farming Form, or its equivalent or successor form, for that activity ~~[-]~~; or

(c) Any ~~business~~ entity organized pursuant to title 7 of NRS, including, without limitation, those ~~business~~ entities required to file with the Secretary of State ~~[-]~~, whether or not the entity performs a service or engages in a business for profit.

2. The term does not include:

(a) A governmental entity.

(b) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(c) A person who operates a business from his home and whose net earnings from that business are not more than 66 2/3 percent of the average annual wage, as computed for the preceding calendar year pursuant to chapter 612 of NRS and rounded to the nearest hundred dollars.

(d) A natural person whose sole business is the rental of four or fewer dwelling units to others.

(e) A business whose primary purpose is to create or produce motion pictures. As used in this paragraph, "motion pictures" has the meaning ascribed to it in NRS 231.020.

(f) A business organized pursuant to chapters 82 or 84 of NRS.

Sec. 55. NRS 360.780 is hereby amended to read as follows:

360.780 1. Except as otherwise provided in subsection 7, a person shall not conduct a business in this State unless he has a state business license issued by the Department.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Department;

(b) Set forth the name under which the applicant transacts or intends to transact business, *or if the applicant is a business organized pursuant to title 7 of NRS and on file with the Secretary of State, the exact name on file with the Secretary of State*, and the location *in this State* of his place or places of business;

(c) Be accompanied by a fee of \$100; and

(d) Include any other information that the Department deems necessary.

➤ *If the applicant is a business organized pursuant to title 7 of NRS and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.*

3. The application must be signed by:

(a) The owner, if the business is owned by a natural person;

(b) A member or partner, if the business is owned by an association or partnership; or

(c) An officer or some other person specifically authorized to sign the application, if the business is owned by a corporation.

4. If the application is signed pursuant to paragraph (c) of subsection 3, written evidence of the signer's authority must be attached to the application.

5. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

6. For the purposes of NRS 360.760 to 360.798, inclusive, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to title 7 of NRS, other than a business organized pursuant to chapter 82 or 84 of NRS;

(b) Has an office or other base of operations in this State; ~~{or}~~

(c) *Has a registered agent in this State; or*

(d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he is paid.

7. A person who takes part in an exhibition held in this State for a purpose related to the conduct of a business is not required to obtain a state business license specifically for that event if the operator of the facility where the exhibition is held pays the licensing fee on behalf of that person pursuant to NRS 360.787.

8. *As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.*

Sec. 56. This act becomes effective on July 1, 2009.

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Senator Care requested that his remarks be entered in the Journal.

The amendment leaves in place the existing process for appointment or rejection of registered agents that had been changed in the original bill. Instead, it provides a process for registered agents to resign with respect to a represented entity.

Also removed in the amendment are the provisions that authorized certain businesses to dissolve by filing a certificate of dissolution if their right to do business was revoked.

Finally, the amendment revises the definition of "business" to include an entity required to file with the Secretary of State, whether or not it performs a service or engages in business for profit.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 68.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 47.

"SUMMARY—Establishes responsibility for the maintenance of certain security walls within *certain* common-interest communities, ~~[subdivisions and developments]~~ (BDR 10-281)"

"AN ACT relating to real property; establishing the responsibility for the maintenance of certain security walls within certain common-interest communities ~~; subdivisions and developments;~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill revises the responsibilities of unit-owners' associations of certain common-interest communities to provide that each such association is responsible for the maintenance, repair, restoration and replacement of any security wall which is located within the common-interest community ~~, and which abuts the common elements of the common interest community.~~ Section 2 of this bill similarly revises the law with respect to such security walls located in such common-interest communities which are governed by certain limited-purpose associations. (NRS 116.1201) ~~[Further, section 4 of this bill similarly revises the law with respect to such security walls located in developments or subdivisions which are governed by maintenance districts.]~~

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

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in NRS 116.31135, the association is responsible for the maintenance, repair, restoration and replacement of any security wall which is located within the common-interest community ~~, and which abuts the common elements of the common interest community.~~*

2. *The provisions of this section apply only to common-interest communities created on or after October 1, 2009.*

3. *As used in this section, "security wall" ~~has the meaning ascribed to it in NRS 271.203.~~ means any wall composed of stone, brick, concrete, concrete blocks, masonry or similar building material, including, without limitation, ornamental iron or other fencing material, together with footings, pilasters, outriggers, grillwork, gates and other appurtenances, constructed around the perimeter of a residential subdivision with respect to which a final map has been recorded pursuant to NRS 278.360 to 278.460, inclusive, to protect the several tracts in the subdivision and their occupants from vandalism.*

Sec. 2. NRS 116.1201 is hereby amended to read as follows:

116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.

2. This chapter does not apply to:

(a) A limited-purpose association, except that a limited-purpose association:

- (1) Shall pay the fees required pursuant to NRS 116.31155;
- (2) Shall register with the Ombudsman pursuant to NRS 116.31158;
- (3) Shall comply with the provisions of:

(I) NRS 116.31038, 116.31083 and 116.31152; ~~and~~

(II) *Section 1 of this act, if the limited-purpose association is created for maintaining the landscape of the common elements of the common-interest community; and*

(III) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;

(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and

(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

(b) A planned community in which all units are restricted exclusively to nonresidential use unless the declaration provides that this chapter does apply to that planned community. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.

(c) Common-interest communities or units located outside of this State, but the provisions of NRS 116.4102 to 116.4108, inclusive, apply to all contracts for the disposition thereof signed in this State by any party unless exempt under subsection 2 of NRS 116.4101.

(d) A common-interest community that was created before January 1, 1992, is located in a county whose population is less than 50,000, and has less than 50 percent of the units within the community put to residential use, unless a majority of the units' owners otherwise elect in writing.

(e) Except as otherwise provided in this chapter, time shares governed by the provisions of chapter 119A of NRS.

3. The provisions of this chapter do not:

(a) Prohibit a common-interest community created before January 1, 1992, from providing for separate classes of voting for the units' owners;

(b) Require a common-interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to 116.2122, inclusive;

(c) Invalidate any assessments that were imposed on or before October 1, 1999, by a common-interest community created before January 1, 1992; or

(d) Prohibit a common-interest community created before January 1, 1992, or a common-interest community described in NRS 116.31105 from providing for a representative form of government.

4. The provisions of chapters 117 and 278A of NRS do not apply to common-interest communities.

5. The Commission shall establish, by regulation:

(a) The criteria for determining whether an association, a limited-purpose association or a common-interest community satisfies the requirements for an exemption or limited exemption from any provision of this chapter; and

(b) The extent to which a limited-purpose association must comply with the provisions of NRS 116.4101 to 116.412, inclusive.

6. As used in this section, "limited-purpose association" means an association that:

(a) Is created for the limited purpose of maintaining:

(1) The landscape of the common elements of a common-interest community;

(2) Facilities for flood control; or

(3) A rural agricultural residential common-interest community; and

(b) Is not authorized by its governing documents to enforce any restrictions concerning the use of units by units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

Sec. 3. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsection 2, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, *and section 1 of this act*, and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than six units.

Sec. 4. ~~[Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A maintenance district created by ordinance pursuant to NRS 278.4787 is responsible for the maintenance, repair and replacement of any security wall which is located in the development or subdivision and which abuts landscaping located in the development or subdivision.* (Deleted by amendment.)~~

Sec. 5. ~~[NRS 278.478 is hereby amended to read as follows:~~

~~*278.478 As used in NRS 278.478 to 278.4789, inclusive, and section 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 278.4781, 278.4783 and 278.4785 have the meanings ascribed to them in those sections.* (Deleted by amendment.)~~

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Senator Care requested that his remarks be entered in the Journal.

The amendment does three things. It provides that the bill only applies to common interest communities created after October 1, 2009. It defines the security wall or fence to which the bill applies, and it deletes maintenance districts from the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 101.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 18.

"SUMMARY—Makes various changes relating to securities. (BDR 7-416)"

"AN ACT relating to securities; ~~revising the definition of "investment adviser";~~ revising the provisions governing the examination of certain records by the Administrator of the Securities Division of the Office of the Secretary of State; increasing the amount of certain civil penalties for certain violations relating to securities; revising the provisions governing recovery of the costs of investigation and prosecution of certain violations; authorizing the Department of Motor Vehicles to issue a driver's license to a criminal investigator employed by the Secretary of State who is engaged in an undercover investigation; making various other changes relating to securities; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~{ Section 1 of this bill amends the existing definition of "investment adviser" to eliminate the exemption for a broker-dealer whose performance of investment advisory services is solely incidental to the conduct of business as a broker-dealer and who receives no special compensation for the investment advisory services. (NRS 90.250) }~~

Section 2 of this bill: (1) changes the name of the entity that administers examinations for a sales representative from the National Association of Securities Dealers to the Financial Industry Regulatory Authority; and (2) requires a sales representative to pass either the Uniform Investment Adviser Law Examination or the Uniform Combined State Law Examination and the General Securities Registered Representative Examination. (NRS 90.340)

Sections 3 and 4 of this bill make technical changes to include references to the Investment Adviser Registration Depository and the Financial Industry Regulatory Authority. (NRS 90.350)

Section 5 of this bill removes the requirement in existing law that the Administrator of the Securities Division of the Office of the Secretary of State must obtain authorization from the Attorney General or his designee to examine the records of a person issuing securities who is not licensed but is required to be licensed. (NRS 90.410)

~~{ Section 6 of this bill provides that certain securities which were previously subject to certain requirements concerning registration and filing of sales and advertising literature are now exempt from such requirements. (NRS 90.520) }~~

Section 7 of this bill increases the civil ~~[penalties]~~ *penalty that the Administrator may impose for a willful [violations] violation of chapter 90 of NRS from \$2,500 [to \$5,000] for a single violation and [from] \$100,000 [to \$250,000] for multiple violations. [] to \$25,000 for each violation.* (NRS 90.630) Section 7 also authorizes the Administrator to order reimbursement for the costs of a proceeding to impose sanctions, including investigative costs and attorney's fees, rather than applying to a court for an order for reimbursement of such costs.

Section 7.5 of this bill increases the civil penalty that a district court may impose for a violation of chapter 90 of NRS from \$2,500 for a single violation and \$100,000 for multiple violations to \$25,000 for each violation. (NRS 90.640)

Section 8 of this bill provides that a court may order a person who is convicted of a willful violation of a statute, a regulation or an order of the Administrator to pay the costs of investigation and prosecution incurred by the Division and the Office of the Attorney General. (NRS 90.650)

Section 9 of this bill provides that chapter 239A of NRS, which contains provisions regarding disclosure of financial records to governmental agencies, does not apply to a subpoena issued pursuant to chapter 90 of NRS. (NRS 239A.070)

Sections 10 and 11 of this bill authorize the Department of Motor Vehicles to issue a driver's license for purposes of identification only to a criminal investigator employed by the Secretary of State who is engaged in an undercover investigation. (NRS 483.340)

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

Section 1. ~~NRS 90.250 is hereby amended to read as follows:~~

~~90.250 "Investment adviser" means any person who, for compensation, engages in the business of advising others as to the value of securities or as to the advisability of investing in, purchasing or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. The term does not include:~~

- ~~1. An employee of an adviser;~~
- ~~2. A depository institution;~~
- ~~3. A lawyer, accountant, engineer or teacher whose performance of investment advisory services is solely incidental to the practice of his profession;~~
- ~~4. [A broker dealer whose performance of investment advisory services is solely incidental to the conduct of business as a broker-dealer and who receives no special compensation for the investment advisory services;~~

~~5.] A publisher, employee or columnist of a newspaper, news magazine or business or financial publication, or an owner, operator, producer or employee of a cable, radio or television network, station or production facility if, in either case, the financial or business news published or disseminated is made available to the general public and the content does not~~

consist of rendering advice on the basis of the specific investment situation of each client;

~~[6.] 5. A person whose advice, analyses or reports relate only to securities exempt under paragraph (a) of subsection 2 of NRS 90.520; or~~

~~[7.] 6. Any other person the Administrator by regulation or order designates. (Deleted by amendment.)~~

Sec. 2. NRS 90.340 is hereby amended to read as follows:

90.340 1. The following persons are exempt from licensing under NRS 90.330:

(a) An investment adviser who is registered or is not required to be registered as an investment adviser under the Investment Advisers Act of 1940 if:

(1) Its only clients in this State are other investment advisers, broker-dealers or financial or institutional investors;

(2) The investment adviser has no place of business in this State and directs business communications in this State to a person who is an existing client of the investment adviser and whose principal place of residence is not in this State; or

(3) The investment adviser has no place of business in this State and during any 12 consecutive months it does not direct business communications in this State to more than five present or prospective clients other than those specified in subparagraph (1), whether or not the person or client to whom the communication is directed is present in this State;

(b) A representative of an investment adviser who is employed by an investment adviser who is exempt from licensing pursuant to paragraph (a);

(c) A sales representative licensed pursuant to NRS 90.310 who:

(1) Has passed ~~one of~~ the following examinations administered by the ~~National Association of Securities Dealers, Inc.:~~ *Financial Industry Regulatory Authority:*

(I) The Uniform Investment Adviser Law Examination, designated as the Series 65 examination; or

(II) The ~~examination~~ *Uniform Combined State Law Examination* designated as the Series 66 examination ~~;~~ *and the General Securities Registered Representative Examination, designated as the Series 7 examination;* or

(2) On January 1, 1996, has been continuously licensed in this State as a sales representative for 5 years or more; and

(d) Other investment advisers and representatives of investment advisers the Administrator by regulation or order exempts.

2. The Administrator may, by order or rule, waive the ~~examination~~ *examinations* required by subparagraph (1) of paragraph (c) of subsection 1 for an applicant or a class of applicants if the Administrator determines that the examination is not necessary for the protection of investors because of the training and experience of the applicant or class of applicants.

Sec. 3. NRS 90.350 is hereby amended to read as follows:

90.350 1. Except as otherwise provided in subsection 3, an applicant for licensing as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent must file with the Administrator an application for licensing and a consent to service of process pursuant to NRS 90.770 and pay the fee required by NRS 90.360. The application for licensing must contain the social security number of the applicant and any other information the Administrator determines by regulation to be necessary and appropriate to facilitate the administration of this chapter.

2. The requirements of subsection 1 are satisfied by an applicant who has filed and maintains a completed and current registration with the Securities and Exchange Commission or a self-regulatory organization if the information contained in that registration is readily available to the Administrator through the *Investment Adviser Registration Depository*, the Central Registration Depository or another depository for registrations that has been approved by the Administrator by regulation or order. Except as otherwise provided in subsection 3, such an applicant must also file a notice with the Administrator in the form and content determined by the Administrator by regulation and a consent to service of process pursuant to NRS 90.770 and the fee required by NRS 90.360. The Administrator, by order, may require the submission of additional information by an applicant.

3. An applicant for licensing as a transfer agent is not required to pay the fee required by NRS 90.360.

4. As used in this section ~~{}~~:

(a) "Central Registration Depository" means the Central Registration Depository of the ~~[National Association of Securities Dealers, Inc.]~~ *Financial Industry Regulatory Authority*, or its successor, and the North American Securities Administrators Association or its successor.

(b) "*Investment Adviser Registration Depository*" means the *Investment Adviser Registration Depository of the Financial Industry Regulatory Authority*, or its successor, and the *North American Securities Administrators Association* or its successor.

Sec. 4. NRS 90.350 is hereby amended to read as follows:

90.350 1. Except as otherwise provided in subsection 3, an applicant for licensing as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent must file with the Administrator an application for licensing and a consent to service of process pursuant to NRS 90.770 and pay the fee required by NRS 90.360. The application for licensing must contain the information the Administrator determines by regulation to be necessary and appropriate to facilitate the administration of this chapter.

2. The requirements of subsection 1 are satisfied by an applicant who has filed and maintains a completed and current registration with the Securities and Exchange Commission or a self-regulatory organization if the information contained in that registration is readily available to the

Administrator through the *Investment Adviser Registration Depository*, the Central Registration Depository or another depository for registrations that has been approved by the Administrator by regulation or order. Except as otherwise provided in subsection 3, such an applicant must also file a notice with the Administrator in the form and content determined by the Administrator by regulation and a consent to service of process pursuant to NRS 90.770 and the fee required by NRS 90.360. The Administrator, by order, may require the submission of additional information by an applicant.

3. An applicant for licensing as a transfer agent is not required to pay the fee required by NRS 90.360.

4. As used in this section ~~{ }~~:

(a) "Central Registration Depository" means the Central Registration Depository of the ~~{National Association of Securities Dealers, Inc.,}~~ *Financial Industry Regulatory Authority*, or its successor, and the North American Securities Administrators Association or its successor.

(b) "*Investment Adviser Registration Depository*" means the *Investment Adviser Registration Depository of the Financial Industry Regulatory Authority, or its successor, and the North American Securities Administrators Association or its successor.*

Sec. 5. NRS 90.410 is hereby amended to read as follows:

90.410 1. The Administrator, without previous notice, may examine in a manner reasonable under the circumstances the records, within or without this State, of a licensed broker-dealer, sales representative, investment adviser or representative of an investment adviser ~~{for any person issuing securities who would otherwise be required to be licensed pursuant to NRS 90.310 upon authorization by the Attorney General or his designee, in order}~~ to determine compliance with this chapter. ~~{Broker-dealers,}~~ *Licensed broker-dealers*, sales representatives, investment advisers and representatives of investment advisers shall make their records available to the Administrator in legible form.

2. *The Administrator, without previous notice, may examine, in a manner reasonable under the circumstances and as the Administrator considers necessary or appropriate in the public interest and for the protection of investors, the records, within or without this State, of any person who would otherwise be required to be licensed pursuant to NRS 90.310 or 90.330. Such persons shall make their records available to the Administrator in legible form.*

3. Except as otherwise provided in subsection ~~{3,}~~ 4, the Administrator may copy records or require a licensed person to copy records and provide the copies to the Administrator to the extent and in a manner reasonable under the circumstances.

~~{3,}~~ 4. The Administrator may inspect and copy records or require a transfer agent to copy records and provide the copies to the Administrator to the extent such records relate to information concerning principals, corporate officers or stockholders of any publicly traded company based in this State.

~~{4.}~~ 5. The Administrator by regulation may impose a reasonable fee for the expense of conducting an examination under this section.

Sec. 6. NRS 90.520 is hereby amended to read as follows:

90.520 1. As used in this section:

(a) "Guaranteed" means guaranteed as to payment of all or substantially all of principal and interest or dividends.

(b) "Insured" means insured as to payment of all or substantially all of principal and interest or dividends.

2. Except as otherwise provided in subsections 4 and 5, the following securities are exempt from NRS 90.460 and 90.560:

(a) A security, including a revenue obligation, issued, insured or guaranteed by the United States, an agency or corporate or other instrumentality of the United States, an international agency or corporate or other instrumentality of which the United States and one or more foreign governments are members, a state, a political subdivision of a state, or an agency or corporate or other instrumentality of one or more states or their political subdivisions, or a certificate of deposit ~~{ }~~ for any of the foregoing, but this exemption does not include a security payable solely from revenues to be received from an enterprise unless the:

(1) Payments are insured or guaranteed by the United States, an agency or corporate or other instrumentality of the United States, an international agency or corporate or other instrumentality of which the United States and one or more foreign governments are members, a state, a political subdivision of a state, or an agency or corporate or other instrumentality of one or more states or their political subdivisions, or by a person whose securities are exempt from registration pursuant to paragraphs (b) to (e), inclusive, or (g), or the revenues from which the payments are to be made are a direct obligation of such a person;

(2) Security is issued by this State or an agency, instrumentality or political subdivision of this State; or

(3) Payments are insured or guaranteed by a person who, within the 12 months next preceding the date on which the securities are issued, has received a rating within one of the top four rating categories of either Moody's Investors Service, Inc., or Standard and Poor's Ratings Services.

(b) A security issued, insured or guaranteed by Canada, a Canadian province or territory, a political subdivision of Canada or of a Canadian province or territory, an agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government or governmental combination or entity with which the United States maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer, insurer or guarantor.

(c) A security issued by and representing an interest in or a direct obligation of a depository institution if the deposit or share accounts of the depository institution are insured by the Federal Deposit Insurance

Corporation, the National Credit Union Share Insurance Fund or a successor to an applicable agency authorized by federal law.

(d) A security issued by and representing an interest in or a direct obligation of, or insured or guaranteed by, an insurance company organized under the laws of any state and authorized to do business in this State.

(e) A security issued or guaranteed by a railroad, other common carrier, public utility or holding company that is:

(1) Subject to the jurisdiction of the Surface Transportation Board;

(2) A registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of a registered holding company within the meaning of that act;

(3) Regulated in respect to its rates and charges by a governmental authority of the United States or a state; or

(4) Regulated in respect to the issuance or guarantee of the security by a governmental authority of the United States, a state, Canada, or a Canadian province or territory.

(f) Equipment trust certificates in respect to equipment leased or conditionally sold to a person, if securities issued by the person would be exempt pursuant to this section.

(g) A security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, the Chicago Stock Exchange, the Pacific Stock Exchange or other exchange designated by the Administrator, any other security of the same issuer which is of senior or substantially equal rank, a security called for by subscription right or warrant so listed or approved, or a warrant or right to purchase or subscribe to any of the foregoing.

(h) A security designated or approved for designation upon issuance or notice of issuance for inclusion in the national market system by the ~~[National Association of Securities Dealers, Inc.]~~ *Financial Industry Regulatory Authority*, any other security of the same issuer which is of senior or substantially equal rank, a security called for by subscription right or warrant so designated, or a warrant or a right to purchase or subscribe to any of the foregoing.

(i) An option issued by a clearing agency registered under the Securities Exchange Act of 1934, other than an off-exchange futures contract or substantially similar arrangement, if the security, currency, commodity or other interest underlying the option is:

(1) Registered under NRS 90.470, 90.480 or 90.490;

(2) Exempt pursuant to this section; or

(3) Not otherwise required to be registered under this chapter.

(j) A security issued by a person organized and operated not for private profit but exclusively for a religious, educational, benevolent, charitable, fraternal, social, athletic or reformatory purpose, or as a chamber of commerce, or trade or professional association if at least 10 days before the sale of the security the issuer has filed with the Administrator a notice setting

forth the material terms of the proposed sale and copies of any sales and advertising literature to be used and the Administrator by order does not disallow the exemption within the next 5 full business days.

(k) A promissory note, draft, bill of exchange or banker's acceptance that evidences an obligation to pay cash within 9 months after the date of issuance, exclusive of days of grace, is issued in denominations of at least \$50,000 and receives a rating in one of the three highest rating categories from a nationally recognized statistical rating organization, or a renewal of such an obligation that is likewise limited, or a guarantee of such an obligation or of a renewal.

(l) A security issued in connection with an employees' stock purchase, savings, option, profit-sharing, pension or similar employees' benefit plan.

(m) A membership or equity interest in, or a retention certificate or like security given in lieu of a cash patronage dividend issued by, a cooperative organized and operated as a nonprofit membership cooperative under the cooperative laws of any state if not traded to the general public.

(n) A security issued by an issuer registered as an open-end management investment company or unit investment trust under section 8 of the Investment Company Act of 1940 if:

(1) The issuer is advised by an investment adviser that is a depository institution exempt from registration under the Investment Advisers Act of 1940 or that is currently registered as an investment adviser, and has been registered, or is affiliated with an adviser that has been registered, as an investment adviser under the Investment Advisers Act of 1940 for at least 3 years next preceding an offer or sale of a security claimed to be exempt pursuant to this paragraph, and the issuer has acted, or is affiliated with an investment adviser that has acted, as investment adviser to one or more registered investment companies or unit investment trusts for at least 3 years next preceding an offer or sale of a security claimed to be exempt under this paragraph; or

(2) The issuer has a sponsor that has at all times throughout the 3 years before an offer or sale of a security claimed to be exempt pursuant to this paragraph sponsored one or more registered investment companies or unit investment trusts the aggregate total assets of which have exceeded \$100,000,000.

3. For the purpose of paragraph (n) of subsection 2, an investment adviser is affiliated with another investment adviser if it controls, is controlled by, or is under common control with the other investment adviser.

4. The exemption provided by paragraph (n) of subsection 2 is available only if the person claiming the exemption files with the Administrator a notice of intention to sell which sets forth the name and address of the issuer and the securities to be offered in this State and pays a fee:

(a) Of \$500 for the initial claim of exemption and the same amount at the beginning of each fiscal year thereafter in which securities are to be offered in this State, in the case of an open-end management company; or

(b) Of \$300 for the initial claim of exemption in the case of a unit investment trust.

5. An exemption provided by paragraph (c), (e), (f), (i) or (k) of subsection 2 is available only if, within the 12 months immediately preceding the use of the exemption, a notice of claim of exemption has been filed with the Administrator and a nonrefundable fee of \$300 has been paid.

Sec. 7. NRS 90.630 is hereby amended to read as follows:

90.630 1. If the Administrator reasonably believes, whether or not based upon an investigation conducted under NRS 90.620, that:

(a) The sale of a security is subject to registration under this chapter and the security is being offered or has been offered or sold by the issuer or another person in violation of NRS 90.460; or

(b) A person is acting as a broker-dealer or investment adviser in violation of NRS 90.310 or 90.330,

↪ the Administrator, in addition to any specific power granted under this chapter and subject to compliance with the requirements of NRS 90.820, may issue, without a prior hearing, a summary order against the person engaged in the prohibited activities, directing him to desist and refrain from further activity until the security is registered or he is licensed under this chapter. The summary order to cease and desist must state the section of this chapter or regulation or order of the Administrator under this chapter which the Administrator reasonably believes has been or is being violated.

2. If the Administrator reasonably believes, whether or not based upon an investigation conducted under NRS 90.620, that a person has violated this chapter or a regulation or order of the Administrator under this chapter, the Administrator, in addition to any specific power granted under this chapter, after giving notice by registered or certified mail and conducting a hearing in an administrative proceeding, unless the right to notice and hearing is waived by the person against whom the sanction is imposed, may:

(a) Issue an order against him to cease and desist;

(b) Censure him if he is a licensed broker-dealer, sales representative, investment adviser or representative of an investment adviser;

(c) Bar or suspend him from association with a licensed broker-dealer or investment adviser in this State;

(d) Issue an order against an applicant, licensed person or other person who willfully violates this chapter, imposing a civil penalty of not more than ~~[\$2,500]~~ ~~[\$5,000]~~ \$25,000 for ~~for a single~~ each violation; or ~~[\$100,000]~~ ~~[\$250,000 for multiple violations in a single proceeding or a series of related proceedings; or]~~

(e) Initiate one or more of the actions specified in NRS 90.640.

3. If the person to whom the notice is addressed pursuant to subsection 2 does not request a hearing within 45 days after receipt of the notice, he waives his right to a hearing and the Administrator shall issue a permanent order. If a hearing is requested, the Administrator shall set the matter for hearing not less than 15 days nor more than 60 days after he receives the

request for a hearing. The Administrator shall promptly notify the parties by registered or certified mail of the time and place set for the hearing.

4. Imposition of the sanctions under this section is limited as follows:

(a) If the Administrator revokes the license of a broker-dealer, sales representative, investment adviser or representative of an investment adviser or bars a person from association with a licensed broker-dealer or investment adviser under this section or NRS 90.420, the imposition of that sanction precludes imposition of a civil penalty under subsection 2; and

(b) The imposition by the Administrator of one or more sanctions under subsection 2 with respect to a specific violation precludes him from later imposing any other sanctions under paragraphs (a) to (d), inclusive, of subsection 2 with respect to the violation.

5. For the purposes of determining any sanction to be imposed pursuant to paragraphs (a) to (d), inclusive, of subsection 2, the Administrator shall consider, among other factors, the frequency and persistence of the conduct constituting a violation of this chapter, or a regulation or order of the Administrator under this chapter, the number of persons adversely affected by the conduct and the resources of the person committing the violation.

6. If a sanction is imposed pursuant to this section, *reimbursement* for the costs of the proceeding, including investigative costs and attorney's fees ~~to~~ incurred, may be ordered and recovered by the Administrator. Money recovered for reimbursement of the investigative costs and attorney's fees must be deposited in the State General Fund for credit to the Revolving Account for Investigation, Enforcement and Education created by NRS 90.851.

Sec. 7.5. NRS 90.640 is hereby amended to read as follows:

90.640 1. Upon a showing by the Administrator that a person has violated or is about to violate this chapter, or a regulation or order of the Administrator under this chapter, the appropriate district court may grant or impose one or more of the following appropriate legal or equitable remedies:

(a) Upon a showing that a person has violated this chapter, or a regulation or order of the Administrator under this chapter, the court may singly or in combination:

(1) Issue a temporary restraining order, permanent or temporary prohibitory or mandatory injunction or a writ of prohibition or mandamus;

(2) Impose a civil penalty of not more than ~~(\$2,500)~~ \$25,000 for ~~a single~~ each violation; ~~for \$100,000 for multiple violations in a single proceeding or a series of related proceedings;~~

(3) Issue a declaratory judgment;

(4) Order restitution to investors;

(5) Provide for the appointment of a receiver or conservator for the defendant or the defendant's assets;

(6) Order payment of the Division's investigative costs; or

(7) Order such other relief as the court deems just.

(b) Upon a showing that a person is about to violate this chapter, or a regulation or order of the Administrator under this chapter, a court may issue:

- (1) A temporary restraining order;
- (2) A temporary or permanent injunction; or
- (3) A writ of prohibition or mandamus.

2. In determining the appropriate relief to grant, the court shall consider enforcement actions taken and sanctions imposed by the Administrator under NRS 90.630 in connection with the transactions constituting violations of this chapter or a regulation or order of the Administrator under this chapter. If a remedial action is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Administrator.

3. The court shall not require the Administrator to post a bond in an action under this section.

4. Upon a showing by the administrator or securities agency of another state that a person has violated the securities act of that state or a regulation or order of the administrator or securities agency of that state, the appropriate district court may grant, in addition to any other legal or equitable remedies, one or more of the following remedies:

(a) Appointment of a receiver, conservator or ancillary receiver or conservator for the defendant or the defendant's assets located in this State; or

(b) Other relief as the court deems just.

Sec. 8. NRS 90.650 is hereby amended to read as follows:

90.650 1. A person who willfully violates:

(a) A provision of this chapter, except NRS 90.600, or who violates NRS 90.600 knowing that the statement made is false or misleading in any material respect;

(b) A regulation adopted pursuant to this chapter; or

(c) An order denying, suspending or revoking the effectiveness of registration or an order to cease and desist issued by the Administrator pursuant to this chapter,

↪ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, or by a fine of not more than \$500,000, or by both fine and imprisonment, for each violation. In addition to any other penalty, the court shall order the person to pay restitution ~~[-]~~ *and may order the person to repay the costs of investigation and prosecution incurred by the Division and the Office of the Attorney General. Money recovered for reimbursement of the costs of investigation and prosecution must be deposited in the State General Fund for credit to the Revolving Account for Investigation, Enforcement and Education created by NRS 90.851.*

2. A person convicted of violating a regulation or order under this chapter may be fined, but must not be imprisoned, if the person proves lack of knowledge of the regulation or order.

3. This chapter does not limit the power of the State to punish a person for conduct which constitutes a crime under other law.

Sec. 9. NRS 239A.070 is hereby amended to read as follows:

239A.070 This chapter does not apply to any subpoena issued pursuant to title 14 or chapters 90 or 616A to 617, inclusive, of NRS or prohibit:

1. Dissemination of any financial information which is not identified with or identifiable as being derived from the financial records of a particular customer.

2. The Attorney General, district attorney, Department of Taxation, Director of the Department of Health and Human Services, public administrator, sheriff or a police department from requesting of a financial institution, and the institution from responding to the request, as to whether a person has an account or accounts with that financial institution and, if so, any identifying numbers of the account or accounts.

3. A financial institution, in its discretion, from initiating contact with and thereafter communicating with and disclosing the financial records of a customer to appropriate governmental agencies concerning a suspected violation of any law.

4. Disclosure of the financial records of a customer incidental to a transaction in the normal course of business of the financial institution if the director, officer, employee or agent of the financial institution who makes or authorizes the disclosure has no reasonable cause to believe that such records will be used by a governmental agency in connection with an investigation of the customer.

5. A financial institution from notifying a customer of the receipt of a subpoena or a search warrant to obtain his financial records, except when ordered by a court to withhold such notification.

6. The examination by or disclosure to any governmental regulatory agency of financial records which relate solely to the exercise of its regulatory function if the agency is specifically authorized by law to examine, audit or require reports of financial records of financial institutions.

7. The disclosure to any governmental agency of any financial information or records whose disclosure to that particular agency is required by the tax laws of this State.

8. The disclosure of any information pursuant to NRS 425.393, 425.400 or 425.460.

9. A governmental agency from obtaining a credit report or consumer credit report from anyone other than a financial institution.

Sec. 10. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the name, date of birth, mailing address and a brief description of

the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.

2. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations, *criminal investigators employed by the Secretary of State while engaged in undercover investigations* and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General, *the Secretary of State or his designee* or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

3. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

4. It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.

5. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to have indicated whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to

NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 5 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 11. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive.

2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license.

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations, *criminal investigators employed by the Secretary of State while engaged in undercover investigations* and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General, *the Secretary of State or his designee* or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 3 is confidential.

5. It is unlawful for any person to use a driver's license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.

6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to

NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to have indicated whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.

7. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

8. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 6 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 12. 1. This section and sections 1, 2, 3 and 5 to 10, inclusive, of this act become effective on July 1, 2009.

2. Section 4 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

3. Section 11 of this act becomes effective upon the later of:

(a) The effective date of the regulations issued by the Secretary of Homeland Security to implement the provisions of the Real ID Act of 2005; or

(b) The expiration of any extension of time granted to this State by the Secretary of Homeland Security to comply with the provisions of the Real ID Act of 2005.

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Senator Care requested that his remarks be entered in the Journal.

The amendment removes sections from the bill concerning the definition of investment adviser and the exemption of certain securities from registration and filing requirements respectively, and it revises the penalty amount.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 106.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 19.

"SUMMARY—Revises provisions governing the purchase of a home or ~~improved~~ lot that is adjacent to open range. (BDR 10-497)"

"AN ACT relating to real property; requiring the seller of a home or an improved or unimproved lot that is adjacent to open range to disclose to the purchaser the presence of certain roads or rights-of-way; requiring the seller to ~~file~~ record a copy of the disclosures with the county recorder and provide a copy to the purchaser; providing that compliance with the requirement of disclosure constitutes an affirmative defense in certain actions brought against the seller; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the seller of a home or improved lot that is adjacent to open range to make certain disclosures to the purchaser concerning the livestock that may enter the property from the adjacent open range. (NRS 113.065) This bill amends the existing law to: (1) require the seller to disclose to the purchaser ~~whether~~ that the lot ~~is~~ may be subject to ~~any~~ R.S. 2477 roads or other rights-of-way; (2) require the seller to provide to the purchaser a copy of the disclosure document that is signed and acknowledged by the purchaser; (3) require the seller to ~~file~~ record a copy of the disclosure document in the office of the county recorder where the property is located; and (4) provide an affirmative defense to the seller in an action brought by the purchaser against the seller for damages allegedly suffered as a result of any right-of-way included in the disclosure. (NRS 113.065)

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

Section 1. NRS 113.065 is hereby amended to read as follows:

113.065 1. Before the purchaser of a home or an improved or unimproved lot that is adjacent to open range signs a sales agreement, the seller shall, by separate written document, disclose to the purchaser ~~information~~:

(a) *Information* regarding grazing on the open range. The written document must contain a statement with the following language:

This property is adjacent to open range on which livestock are permitted to graze or roam. Unless you construct a fence that will

prevent livestock from entering this property, livestock may enter the property and you will not be entitled to collect damages because the livestock entered the property. Regardless of whether you construct a fence, it is unlawful to kill, maim or injure livestock that have entered this property.

(b) ~~Whether~~ That the parcel ~~is~~ may be subject to ~~any right-of-way~~ claims made by a county or this State of rights-of-way granted by Congress over public lands of the United States not reserved for public uses in chapter 262, section 8, 14 Statutes 253 (former 43 U.S.C. § 932, commonly referred to as R.S. 2477), and accepted by general public use and enjoyment before, on or after July 1, 1979, or ~~any~~ other rights-of-way. Such rights-of-way may be:

(1) Unrecorded, undocumented or unsurveyed; and

(2) Used by persons, including, without limitation, miners, ranchers or hunters, for access or recreational use, in a manner which interferes with the use and enjoyment of the parcel.

2. The seller shall ~~retain~~ :

(a) Retain a copy of the disclosure document that has been signed by the purchaser acknowledging the date of receipt by the purchaser of the original document ~~[-]~~ ;

(b) Provide a copy of the signed disclosure document to the purchaser; and

(c) ~~File~~ Record, in the office of the county recorder in the county where the property is located, the original disclosure document that has been signed by the purchaser.

3. Compliance with this section by a seller constitutes an affirmative defense in any action brought against the seller by the purchaser based upon any damages allegedly suffered as the result of *the presence of the rights-of-way described in subsection 2 or of* livestock entering the property.

4. As used in this section, "open range" has the meaning ascribed to it in NRS 568.355.

Sec. 2. This act becomes effective on July 1, 2009.

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Senator Care requested that his remarks be entered in the Journal.

The amendment clarifies that the seller is required to disclose if the property may be subject to R.S. 2477 rights-of-way. The disclosure pertains to both improved and unimproved lots.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Energy, Infrastructure and Transportation:

Amendment No. 146.

"SUMMARY—Prohibits ~~certain persons~~ a person operating a motor vehicle from using a telephonic device to write, send or read a text-based communication while ~~operating a~~ the motor vehicle ~~is in motion or stopped at certain intersections.~~ (BDR 43-776)"

"AN ACT relating to traffic laws; prohibiting ~~certain persons~~ a person operating a motor vehicle from using a telephonic device to write, send or read a text-based communication while ~~operating a~~ the motor vehicle ~~is in motion or stopped at certain intersections;~~ providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~This~~ Section 1 of this bill prohibits a person operating a motor vehicle from using a telephonic device to write, send or read a text-based communication while ~~operating a~~ the motor vehicle ~~except in certain circumstances.~~ is in motion or stopped at an intersection that is controlled by a traffic-control signal. A person who violates this provision must pay a fine of \$20 for a first offense, ~~and~~ a fine of \$50 for a second offense and a fine of \$100 for a third or subsequent offense. This bill does not create a moving violation.

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

Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person operating a motor vehicle shall not use a telephonic device to write, send or read a text-based communication while ~~operating a motor vehicle.~~ the motor vehicle is in motion or stopped at an intersection that is controlled by a traffic-control signal.

2. The provisions of subsection 1 do not apply to
~~(a) An emergency medical attendant, firefighter or law enforcement officer who uses a telephonic device in the course of his duties; or~~
~~(b) A~~ a person who reads, selects or enters a telephone number or name in a telephonic device for the purpose of making or receiving a telephone call.

3. A person who violates the provisions of subsection 1 shall:

(a) For a first offense, pay a fine of \$20.

(b) For a second ~~for subsequent~~ offense, pay a fine of \$50.

(c) For a third or subsequent offense, pay a fine of \$100.

4. A violation of subsection 1 is not a moving traffic violation under NRS 483.473.

5. As used in this section:

(a) ~~"Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.~~

~~(b)~~ "Telephonic device" has the meaning ascribed to it in NRS 707.375.

~~(c)~~ (b) "Text-based communication" includes, without limitation, communication by text message, instant message or electronic mail.

Sec. 2. NRS 707.375 is hereby amended to read as follows:

707.375 1. An agency, board, commission or political subdivision of this State, including, without limitation, any agency, board, commission or governing body of a local government, shall not regulate the use of a telephonic device by a person who is operating a motor vehicle ~~+~~, except as provided in section 1 of this act.

2. As used in subsection 1, "telephonic device" means a cellular phone, satellite phone, portable phone or any other similar electronic device that is handheld and designed or used to communicate with ~~+~~ another person.

Senator Breeden moved the adoption of the amendment.

Remarks by Senator Breeden.

Senator Breeden requested that her remarks be entered in the Journal.

Amendment No. 146 to Senate Bill No. 136 clarifies that the prohibition on text messaging applies while a motor vehicle is motion or stopped at an intersection controlled by a traffic signal. The amendment also deletes the exemption for certain emergency responders. Finally, the amendment adds a fine for a third or subsequent offense.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 152.

Bill read second time.

The following amendment was proposed by the Committee on Energy, Infrastructure and Transportation:

Amendment No. 77.

"SUMMARY—Enacts the Green Jobs Initiative. (BDR 58-172)"

"AN ACT relating to energy; providing for the training of persons to perform jobs which promote energy efficiency; requiring governmental entities to perform certain functions to promote energy efficiency; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill provides for the use of the incentives contained in the recently signed federal ~~["American]~~ American Recovery and Reinvestment Act of ~~[2009]~~ 2009 to provide job training, the promotion of energy efficiency and the promotion of the use of renewable energy in Nevada. Sections 9 and 10 of this bill seek to take advantage of those incentives by providing specific training to persons in this State, establishing projects that will require the skills for which those persons are trained and providing for the employment of those persons. Section 9 requires the Department of Employment, Training and Rehabilitation and the Housing Division of the Department of Business and Industry to establish contractual relationships with nonprofit collaboratives to provide training in the fields of energy efficiency and renewable energy including training in the areas of weatherization, energy retrofit applications and performing energy audits. Within the limits of

available money, the collaboratives will carry out programs for job training and provide apprenticeship programs in specific energy-related fields. Within the limits of money available, the Housing Division is required to contract with the nonprofit collaboratives, governmental entities, community action agencies and other nonprofit corporations to identify neighborhoods that will qualify for funding for residential weatherization projects and award contracts for projects to promote energy efficiency through residential weatherization. Such contracts awarded must provide for employing the persons trained by the nonprofit collaborative for this purpose, paying those employees prevailing ~~(wage)~~ wages and ~~(providing)~~ offering the employees and their dependents ~~(with)~~ health care insurance.

Section 10 of this bill requires the State Public Works Board, the board of trustees of each school district and the Board of Regents of the University of Nevada, within 90 days after the effective date of this bill, to each establish projects to weatherize and retrofit public buildings, facilities and structures in this State, including without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Section 10 further sets forth criteria for prioritizing those projects. Those entities are further required to enter into contracts for the projects as soon as practicable. Such contracts are required to provide that employees of the contractors and subcontractors on the project be paid prevailing wages, that the contractor or subcontractor employ a certain number of employees trained by a nonprofit cooperative and pay them prevailing wages and that the contractor ~~(provide)~~ offer employees on the project and their dependents ~~(with)~~ health care insurance.

Section 11 of this bill provides that within the limits of money available, the State Public Works Board and the Division of State Parks of the State Department of Conservation and Natural Resources shall conduct studies to determine the feasibility of carrying out certain projects for providing alternative sources of energy in this State.

Section 12 of this bill requires the Labor Commissioner to adopt the job classifications and wage rates established by the Federal Government for certain jobs relating to residential weatherization and to enforce those job classifications and wage rates in the same manner that he enforces the labor laws and regulations of this State generally.

Section 13 of this bill requires the Office of Energy within the Office of the Governor, the Department of Employment, Training and Rehabilitation and the Housing Division of the Department of Business and Industry to report to the Interim Finance Committee concerning the application for and acceptance and expenditure of any money available to the State to carry out the purposes of this bill pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

WHEREAS, The unemployment rate in the State of Nevada is currently 9.1 percent and is expected to reach 11.4 percent sometime during 2009; and

WHEREAS, Many of Nevada's 128,000 unemployed residents have lost jobs in the construction and service sectors as the construction industry has faltered as a result of the mortgage foreclosure crisis and as the service industry, including gaming and tourism, has faltered as a result of the curtailment of discretionary spending on a national level; and

WHEREAS, One of the most effective methods of returning unemployed Nevadans to work is to create "green jobs" by developing new industries in this State in a manner that takes advantage of incentives offered by the Federal Government for job training, the promotion of energy efficiency and the promotion of the use of renewable energy; and

WHEREAS, An immediate step which may be taken to put Nevadans back to work is to coordinate job training with programs for weatherization and energy efficiency that are part of the recently enacted federal economic stimulus package; and

WHEREAS, In such a manner, unemployed Nevadans may learn new skills in fields such as energy auditing and the installation of energy efficient equipment and improvements, and then go to work performing such tasks as weatherizing homes, retrofitting public buildings, helping lower-income Nevadans to save on their utility bills, and reducing energy costs for schools, government buildings and other public facilities; and

WHEREAS, The Green Jobs Initiative can be accomplished through a public-private partnership that combines the resources of state agencies, local housing authorities, institutions of higher education, joint labor-management partnerships, apprenticeship programs and private contractors under the "umbrella" of a nonprofit collaborative; and

WHEREAS, The Green Jobs Initiative would function to establish programs to provide job training and outreach for the weatherization and retrofitting of buildings and facilities in northern Nevada, southern Nevada and rural Nevada; now, therefore,

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

Section 1. Chapter 701B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *Sections 2 to 10, inclusive, of this act may be cited as the Green Jobs Initiative.*

Sec. 3. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Department" means the Department of Employment, Training and Rehabilitation.*

Sec. 5. *"Division" means the Housing Division of the Department of Business and Industry.*

Sec. 6. 1. *"Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:*

(a) *Biomass;*

- (b) Fuel cells;
- (c) Geothermal energy;
- (d) Solar energy;
- (e) Waste heat;
- (f) Waterpower; and
- ~~##~~ (g) Wind.

2. The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

Sec. 7. "Retrofitting" means the alteration, improvement, modification, remodeling or renovation of a building, facility, residence or structure to make that building, facility, residence or structure more energy efficient.

Sec. 8. "Weatherization" means materials or measures, and their installation, that are used to improve the thermal efficiency of a building, facility, residence or structure.

Sec. 9. 1. The Department of Employment, Training and Rehabilitation and the Housing Division of the Department of Business and Industry shall establish contractual relationships with one or more nonprofit collaboratives to carry out the State's mission of creating new jobs in the fields of energy efficiency and renewable energy by combining job training with weatherization, energy retrofit applications ~~and~~ or the development of renewable energy plants.

2. To qualify as a nonprofit collaborative for the purposes of this section:

(a) A nonprofit entity must ~~have a board of directors or trustees which includes one or more representatives of:~~ enter into a written agreement relating to job training and career development activities with one or more of the following:

(1) A ~~joint labor management~~ labor management agency or other affiliated agency which has established an apprenticeship program ~~+~~ that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS:

(2) A community college or another institution of higher education; ~~and~~ or

(3) A trade association ~~+~~ which has an accredited job skills training program; and

(b) The nonprofit entity must conduct or have the ability to conduct training programs in at least one of the three geographic regions of this State, including ~~Southern~~ southern Nevada, ~~Northern~~ northern Nevada and ~~Rural~~ rural Nevada.

3. Within the limits of money available to the Department for this purpose, the Department shall contract with one or more qualified nonprofit collaboratives to:

(a) Carry out programs for job training in fields relating to energy efficiency and the use of renewable energy.

(b) In concert with ~~joint labor management~~ a labor management agency or other affiliated agency which has established an apprenticeship

~~programs,~~ program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS, develop apprenticeship programs to train laborers in skills related to:

- (1) ~~The promotion~~ implementation of energy efficiency measures.
- (2) The use of renewable energy.
- (3) Performing audits of the energy efficiency of buildings, facilities, residences and structures.
- (4) The weatherization of buildings, facilities, residences and structures.
- (5) The retrofitting of buildings, facilities, residences and structures.
- (6) The construction and operation of centralized renewable energy plants.
- (7) The manufacturing of components relating to work performed pursuant to subparagraphs (1) to (6), inclusive.

4. The job training described in subsection 3 must be sufficiently detailed to allow workers, as applicable, to perform:

- (a) The services set forth in NRS 702.270.
- (b) The services set forth in NRS 618.910 to 618.936, inclusive.
- (c) Such other vocational or professional services, or both, as the Department deems appropriate.

5. Funding provided for the job training described in subsection 3:

- (a) Must, to the extent money is available for the purpose, include the cost of tuition and supplies.
- (b) May include a cost-of-living stipend which may or may not be in addition to any available unemployment compensation.

6. Within the limits of money available to the Division for the purpose, the Division shall contract with one or more governmental entities, community action agencies or nonprofit organizations, including, without limitation, qualified nonprofit collaboratives, to:

- (a) Identify, in different regions of the State, neighborhoods that will qualify for funding for residential weatherization projects pursuant to federal programs focusing on residential weatherization; and
- (b) Issue requests for proposals for contractors and award contracts for projects to promote energy efficiency through weatherization. Any such requests for proposals and contracts must include, without limitation:

- (1) Provisions stipulating that all employees of the outside contractors who work on the project must be paid prevailing wages;
- (2) Provisions requiring that each outside contractor employ on each such project a number of persons trained as described in paragraph (b) of subsection 3 that is equal to or greater than 50 percent of the total workforce the contractor employs on the project;
- (3) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(4) A component that requires each contractor to ~~provide~~ offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS ~~7~~ or the Employee Retirement Income Security Act of 1974.

7. The Department and the Division:

(a) Shall apply for and accept any grant, appropriation, allocation or other money available pursuant to:

(1) The Green Jobs Act of 2007, 29 U.S.C. § 2916(e); and

(2) The American Recovery and Reinvestment Act of 2009, Public Law 111-5; and

(b) May apply for and accept any other available gift, grant, appropriation or donation from any public or private source.

↳ to assist the Department and the Division in carrying out the provisions of this section.

8. The Department and the Division shall each report to the Interim Finance Committee at each meeting held by the Interim Finance Committee with respect to the activities in which they have engaged pursuant to this section.

9. As used in this section, "community action agencies" means private corporations or public agencies established pursuant to the Economic Opportunity Act of 1964, Public Law 88-452, which are authorized to administer money received from federal, state, local or private funding entities to assess, design, operate, finance and oversee antipoverty programs.

Sec. 10. 1. The State Public Works Board shall, within 90 days after the effective date of this act, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and section 9 of this act. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580; ~~or~~

(4) *The Waterpower Energy Systems Demonstration Program created by NRS 701B.820 ~~+~~; or*

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. *The board of trustees of each school district shall, within 90 days after the effective date of this act, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and section 9 of this act. The projects must be prioritized and selected on the basis of the following criteria:*

(a) *The length of time necessary to commence the project.*

(b) *The number of workers estimated to be employed on the project.*

(c) *The effectiveness of the project in reducing energy consumption.*

(d) *The estimated cost of the project.*

(e) *Whether the project is able to be powered by or to otherwise use sources of renewable energy.*

(f) *Whether the project has qualified for participation in one or more of the following programs:*

(1) *The Solar Energy Systems Incentive Program created by NRS 701B.240;*

(2) *The Renewable Energy School Pilot Program created by NRS 701B.350;*

(3) *The Wind Energy Systems Demonstration Program created by NRS 701B.580; ~~+~~*

(4) *The Waterpower Energy Systems Demonstration Program created by NRS 701B.820 ~~+~~; or*

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. *The Board of Regents of the University of Nevada shall, within 90 days after the effective date of this act, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and section 9 of this act. The projects must be prioritized and selected on the basis of the following criteria:*

(a) *The length of time necessary to commence the project.*

(b) *The number of workers estimated to be employed on the project.*

(c) *The effectiveness of the project in reducing energy consumption.*

(d) *The estimated cost of the project.*

(e) *Whether the project is able to be powered by or to otherwise use sources of renewable energy.*

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580; ~~and~~

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; ~~and~~; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;

(b) Provisions requiring that each contractor and subcontractor employed on each such project employ a number of persons trained as described in paragraph (b) of subsection 3 of section 9 of this act that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of section 9 of this act must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to ~~provide~~ offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS ~~and~~ or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

Sec. 11. Within limits of money available for the purpose:

1. The State Public Works Board shall conduct a study to determine the feasibility of using geothermal resources to provide heating to all or a portion of the Lovelock Correctional Center.

2. The Division of State Parks of the State Department of Conservation and Natural Resources shall conduct a study to determine the feasibility of:

(a) Constructing a hydroelectric generation unit at the existing dam on the South Fork Reservoir near Elko, Nevada.

(b) Constructing wind turbines in the vicinity of the ~~location described in subsection 1.~~ South Fork Reservoir near Elko, Nevada.

Sec. 12. For the purposes of the State in carrying out the provisions of section 9 of this act governing residential weatherization in compliance with section 1606 of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, and notwithstanding any other provision of state law, the Labor Commissioner shall:

1. On the effective date of this act, for each locality in this State for which the Labor Commissioner has not already established job classifications and wage rates pursuant to state law, adopt the job classifications and wage rates relating to residential weatherization established for that locality pursuant to the most current provisions of federal law or, if such job classifications and wage rates have not been established for that locality, the job classifications and wage rates for the closest locality, whether or not in Nevada, for which such job classifications and wage rates have been established, which are necessary to carry out the provisions of section 9 of this act; and

2. Enforce the job classifications and wage rates adopted pursuant to subsection 1 in the same manner as the Labor Commissioner is authorized to enforce the labor laws and regulations of this State generally.

Sec. 13. The Office of Energy within the Office of the Governor, the Department of Employment, Training and Rehabilitation and the Housing Division of the Department of Business and Industry shall report to the Interim Finance Committee as required by the Committee concerning the application for and acceptance and expenditure of any money available to the State to carry out the purposes of this act pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

Sec. 14. This act becomes effective upon passage and approval.

Senator Schneider moved the adoption of the amendment.

Remarks by Senator Schneider.

Senator Schneider requested that his remarks be entered in the Journal.

Amendment No. 77 to Senate Bill No. 152 changes the procedures for the nonprofit collaborative which have been charged in this bill with carrying out the State's mission to create new green energy jobs and train workers to perform those jobs. It also clarifies that the weatherization programs targeted in the bill are residential weatherization programs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 155.

Bill read second time.

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

Amendment No. 76.

"SUMMARY—Provides for possible funding for the Commission on Economic Development for certain purposes related to military installations. (BDR 18-721)"

"AN ACT relating to economic development; authorizing the Commission on Economic Development to apply for and accept gifts, grants, donations and contributions into a fund for providing grants for advocacy relating to preserving *and enhancing* military installations; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Commission on Economic Development is required to provide grants to various groups to assist projects of economic diversification, to promote the advantages of certain communities and to expand and retain businesses in certain communities, and may provide grants for programs for occupational education and employee training. (NRS 231.065, 231.067, 231.068, 231.147) This bill authorizes the Commission to apply for or accept gifts, grants, donations and contributions to establish an account from which the Commission may make grants to certain persons for the purpose of advocating ~~{to the Defense Base Closure and Realignment Commission of the Federal Government}~~ for the preservation *and enhancement* of any military installation in this State.

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

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires ~~it~~*

~~1. "Defense Base Closure and Realignment Commission" means the commission created by the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, § 2902, 104 Stat. 1808.~~

~~2. "Military", "military installation" has the meaning ascribed to it in 10 U.S.C. § 2687(e), as that section existed on December 2, 2008.~~

Sec. 3. 1. *The Commission on Economic Development, to the extent that money is available in the account established pursuant to section 5 of this act, may make grants of money from the account to a person, public agency or private entity for the purpose of advocating ~~{to the Defense Base Closure and Realignment Commission}~~ for the preservation *and enhancement* of any military installation in this State.*

2. *Any person, public agency or private entity seeking ~~to advocate to the Defense Base Closure and Realignment Commission}~~ funding under this section for the preservation *and enhancement* of any military installation in this State may apply to the Commission on Economic Development for approval of a grant to be used for that purpose. The application must be submitted on a form prescribed by the Commission on Economic Development.*

3. *The Commission on Economic Development shall establish eligibility criteria for recipients of grants made pursuant to this section and may require a recipient to provide matching funds.*

Sec. 4. 1. *The Commission on Economic Development may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of sections 2 to 6, inclusive, of this act.*

2. *Any money the Commission on Economic Development receives pursuant to subsection 1 must be deposited in the State Treasury in accordance with section 5 of this act.*

Sec. 5. 1. *Any money which the Commission on Economic Development receives pursuant to section 4 of this act or which is appropriated to carry out the provisions of sections 2 to 6, inclusive, of this act:*

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) May be used only to carry out those provisions.

2. *Except as otherwise provided in subsection 3, the balance remaining in the account that has not been committed for expenditure on or before June 30 of a fiscal year reverts to the State General Fund.*

3. *In calculating the uncommitted remaining balance in the account at the end of a fiscal year, any money in the account that is attributable to a gift, grant, donation or contribution:*

(a) To the extent not inconsistent with a term of the gift, grant, donation or contribution, shall be deemed to have been committed for expenditure before any money that is attributable to a legislative appropriation; and

(b) Must be excluded from the calculation of the uncommitted remaining balance in the account at the end of the fiscal year if necessary to comply with a term of the gift, grant, donation or contribution.

4. *The Commission on Economic Development shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.*

Sec. 6. *The Commission on Economic Development may adopt such regulations as are necessary to carry out the provisions of sections 2 to 6, inclusive, of this act.*

Sec. 7. This act becomes effective on July 1, 2009.

Senator McGinness moved the adoption of the amendment.

Remarks by Senator McGinness.

Senator McGinness requested that his remarks be entered in the Journal.

Amendment No. 76 to Senate Bill No. 155 removes references made to the Defense Base Closure Realignment Commission (BRAC) to ensure funding that advocates for Nevada's military sites and installations is not limited just to the BRAC proposals and activities. We also added the word "enhancement" as it relates to efforts to promote and preserve Nevada's military installations.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 159.

Bill read second time.

The following amendment was proposed by the Committee on Health and Education:

Amendment No. 95.

"SUMMARY—Requires the establishment of the Cancer Drug Donation Program. (BDR 40-14)"

"AN ACT relating to health; requiring the State Board of Pharmacy to establish the Cancer Drug Donation Program; requiring the Board to adopt regulations to carry out the Program; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes a system for the reporting and analyzing of information relating to cancer and establishes task forces on prostate cancer and cervical cancer. (Chapter 457 of NRS)

Section 7 of this bill requires the State Board of Pharmacy to establish the Cancer Drug Donation Program. The Program will distribute and dispense cancer drugs donated to the Program to cancer patients. Section 7 also authorizes persons to donate cancer drugs at any pharmacy, medical facility, health clinic or provider of health care that participates in the Program. The donated drugs must be in the original, unopened and sealed packages and must not be adulterated or misbranded.

Section 10 of this bill requires the Board to adopt regulations to carry out the Program. Section 11 of this bill provides immunity from civil liability for damages caused by any act or omission of a person who donates a cancer drug to the Program, or who accepts, distributes or dispenses a cancer drug donated to the Program. Section 11 also provides immunity from civil and criminal liability to a manufacturer of a cancer drug that is donated, accepted, distributed or dispensed pursuant to the Program.

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

Section 1. Chapter 457 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. *As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. 1. "Cancer drug" means a prescription drug that is used to treat ~~+~~

~~1. Cancer or its side effects; or~~

~~2. The side effects of a prescription drug that is used to treat cancer or its side effects.~~

~~+~~ cancer.

2. ~~The term includes medical supplies used in the administration of a cancer drug, but~~ does not include a prescription drug for the treatment of cancer that can only be dispensed to a patient who is registered with the manufacturer of the drug in accordance with the requirements of the United States Food and Drug Administration.

Sec. 4. "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 5. "Program" means the Cancer Drug Donation Program established pursuant to section 7 of this act.

Sec. 6. "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 7. 1. The State Board of Pharmacy shall establish and maintain the Cancer Drug Donation Program to accept, distribute and dispense cancer drugs donated to the Program.

2. Any person may donate a cancer drug to the Program. A cancer drug may be donated at a pharmacy, medical facility, health clinic or provider of health care that participates in the Program.

3. A pharmacy, medical facility, health clinic or provider of health care that participates in the Program may charge a patient who receives a cancer drug a handling fee in accordance with the regulations adopted by the State Board of Pharmacy pursuant to section 10 of this act.

4. A cancer drug may be accepted, distributed or dispensed pursuant to the Program only if the cancer drug:

(a) Is in its original, unopened, sealed and tamper-evident unit dose packaging or, if packaged in single-unit doses, the single-unit dose packaging is unopened;

(b) Is not adulterated or misbranded; and

(c) Bears an expiration date that is later than 30 days after the drug is donated.

5. A cancer drug donated to the Program may not be:

(a) Resold; or

(b) Designated by the donor for a specific person.

6. The provisions of this section do not require a pharmacy, medical facility, health clinic or provider of health care to participate in the Program.

Sec. 8. A cancer drug donated for use in the Program may only be dispensed:

1. By a pharmacist who is registered pursuant to chapter 639 of NRS;

2. Pursuant to a prescription written by a person who is authorized to write prescriptions; and

3. To a person who is eligible to receive cancer drugs dispensed pursuant to the Program.

Sec. 9. A pharmacy, medical facility, health clinic or provider of health care that participates in the Program:

1. *Shall comply with all applicable state and federal laws concerning the storage, distribution and dispensing of the cancer drugs; and*

2. *May distribute a cancer drug donated to the Program to another pharmacy, medical facility, health clinic or provider of health care for use in the Program.*

Sec. 10. *The State Board of Pharmacy shall adopt regulations to carry out the provisions of sections 2 to 11, inclusive, of this act. The regulations must prescribe, without limitation:*

1. *The requirements for the participation of pharmacies, medical facilities, health clinics and providers of health care in the Program, including, without limitation:*

(a) *A requirement that each provider of health care who participates in the Program provide, as a regular course of practice, medical services and goods to persons with cancer; and*

(b) *A requirement that each medical facility that participates in the Program provide, as a regular course of practice, medical services and goods to persons with cancer;*

2. *The criteria for determining the eligibility of persons to receive cancer drugs dispensed pursuant to the Program, including, without limitation, a requirement that a person sign up with the State Board of Pharmacy on a form prescribed by the Board to be eligible to receive cancer drugs dispensed pursuant to the Program;*

3. *The categories of cancer drugs that may be accepted for distribution or dispensing pursuant to the Program; and*

4. *The maximum fee that a pharmacy, medical facility, health clinic or provider of health care may charge to distribute or dispense cancer drugs pursuant to the Program.*

Sec. 11. 1. *Any person who donates, accepts, distributes or dispenses a cancer drug in accordance with the provisions of sections 2 to 11, inclusive, of this act, and the regulations adopted pursuant thereto, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in donating, accepting, distributing or dispensing the cancer drug.*

2. *A manufacturer of a cancer drug is immune from civil or criminal liability for any claim arising due to an injury, death or a loss to person or property, resulting from the use of the cancer drug that was donated, accepted, distributed or dispensed pursuant to the Program, if the manufacturer acted without malicious intent, including, without limitation, liability for failure to transfer or communicate product or consumer information concerning the cancer drug or the expiration date of the cancer drug.*

Sec. 12. *This act becomes effective on July 1, 2009.*

Senator Cegavske moved the adoption of the amendment.

Remarks by Senator Cegavske.

Senator Cegavske requested that her remarks be entered in the Journal.

Amendment 95 to Senate Bill No. 159 removes drugs used to treat the side effects of cancer and medical supplies used in the administration of a cancer drug from the types of items that can be donated through the Cancer Drug Donation Program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 162.

Bill read second time.

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

Amendment No. 160.

"SUMMARY—Revises the date of the primary election and provisions governing voter registration by mail. (BDR 24-1001)"

"AN ACT relating to elections; revising the date of the primary election to the second Tuesday in June of each even-numbered year; revising the provisions governing the registration of voters by mail; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 6 of this bill changes the date of the primary election from the twelfth Tuesday before the general election of each even-numbered year to the second Tuesday in June of each even-numbered year. (NRS 293.175) To provide an example, if the provisions of this bill had been in effect in 2008, the primary election would have been held on June 10, 2008, instead of August 12, 2008.

As a result of changing the date of the primary election, sections 1-5 ~~and 7-16~~, ~~7-12 and 14-17~~ of this bill amend various other dates relating to elections such as the date for filing declarations of candidacy.

Section 13 of this bill provides that no primary election will be held for a particular office if: (1) only one major political party has candidates for that office; and (2) that major political party has not more than twice the number of candidates to be elected to that office. This restriction on holding a primary election for a particular office applies regardless of whether there is a minor political candidate or an independent candidate for that particular office. (NRS 293.260)

Section ~~15~~ 16 of this bill changes the date on which a voter's registration or correction of registration information is deemed to be effective to *the earlier of* the date on which the application ~~was completed if: (1) the application was completed on a weekend or holiday; and (2) the application was received by the county clerk on the first working day following the weekend or holiday. In all other cases the application is effective upon receipt~~ *is postmarked or received* by the county clerk. (NRS 293.5235)

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

Section 1. NRS 293.128 is hereby amended to read as follows:

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

(a) On January 1 preceding any primary election, have been designated as a political party on the applications to register to vote of at least 10 percent of the total number of registered voters in this State; or

(b) File a petition with the Secretary of State not later than the last Friday in ~~April~~ *February* before any primary election signed by a number of registered voters equal to or more than 10 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

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

3. In addition to the requirements set forth in subsection 1, each organization which wishes to qualify as a political party must file with the Secretary of State a certificate of existence which includes the:

- (a) Name of the political party;
- (b) Names and addresses of its officers;
- (c) Names of the members of its executive committee; and
- (d) Name of the person who is authorized by the party to act as registered agent in this State.

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

Sec. 2. NRS 293.165 is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections 4 and 5.

2. A vacancy occurring in a nonpartisan nomination after the close of filing and on or before 5 p.m. of the second Tuesday in ~~June~~ *April* must be filled by filing a nominating petition that is signed by registered voters of the State, county, district or municipality who may vote for the office in question. The number of registered voters who sign the petition must not be less than 1 percent of the number of persons who voted for the office in

question in the State, county, district or municipality at the last preceding general election. The petition must be filed not earlier than the first Tuesday in ~~May~~ *March* and not later than the fourth Tuesday in ~~June~~ *April*. The petition may consist of more than one document. Each document must bear the name of one county and must be signed only by a person who is a registered voter of that county and who may vote for the office in question. Each document of the petition must be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the county clerk of the county named on the document. A candidate nominated pursuant to the provisions of this subsection:

(a) Must file a declaration of candidacy or acceptance of candidacy and pay the statutory filing fee on or before the date the petition is filed; and

(b) May be elected only at a general election, and his name must not appear on the ballot for a primary election.

3. A vacancy occurring in a nonpartisan nomination after 5 p.m. of the second Tuesday in ~~June~~ *April* and on or before 5 p.m. on the first Tuesday after the primary election must be filled by the person who receives the next highest vote for the nomination in the primary.

4. No change may be made on the ballot for the general election after 5 p.m. on the first Tuesday after the primary election. ~~of the year in which the general election is held.~~ If a nominee dies after that time and date, his name must remain on the ballot for the general election and, if elected, a vacancy exists.

5. All designations provided for in this section must be filed on or before 5 p.m. on the first Tuesday after the primary election. In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on the date the designation is filed.

Sec. 3. NRS 293.1715 is hereby amended to read as follows:

293.1715 1. The names of the candidates for partisan office of a minor political party must not appear on the ballot for a primary election.

2. The names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the party has filed a certificate of existence and a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:

(a) At the last preceding general election, the minor political party polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party has been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or

(c) Not later than the second Friday in August preceding the general election, files a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of

votes cast at the last preceding general election for the offices of Representative in Congress.

3. The name of a candidate for partisan office for a minor political party other than a candidate for the office of President or Vice President of the United States must be placed on the ballot for the general election if the party has filed:

(a) A certificate of existence;

(b) A list of candidates for partisan office containing the name of the candidate pursuant to the provisions of NRS 293.1725 with the Secretary of State; and

(c) Not earlier than the first Monday in ~~May~~ *March* preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in ~~May~~ *March*, a petition on behalf of the candidate with the Secretary of State containing not less than:

(1) Two hundred fifty signatures of registered voters if the candidate is to be nominated for a statewide office; or

(2) One hundred signatures of registered voters if the candidate is to be nominated for any office except a statewide office.

↪ A minor political party that places names of one or more candidates for partisan office on the ballot pursuant to this subsection may also place the names of one or more candidates for partisan office on the ballot pursuant to subsection 2.

4. The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election.

5. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 or paragraph (c) of subsection 3 with the Secretary of State before the petition may be circulated for signatures.

Sec. 4. NRS 293.1725 is hereby amended to read as follows:

293.1725 1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715;

(b) Files a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715; or

(c) Whose candidates are entitled to appear on the ballot pursuant to subsection 3 of NRS 293.1715,

↪ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in ~~May~~ ~~March~~ *April* preceding the election nor later than 5 p.m. on the ~~second~~ *first* Friday after the first Monday in ~~May~~ ~~March~~ *April*. The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. The Secretary of State shall strike from the list each candidate who is not entitled to appear on the ballot pursuant to subsection 3 of NRS 293.1715 if the

minor political party is not entitled to place candidates on the ballot pursuant to subsection 2 of NRS 293.1715. The list may be amended not later than 5 p.m. on the ~~second~~ first Friday after the first Monday in ~~May~~ ~~March~~ April.

2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his declaration of candidacy.

3. Each candidate on the list must file his declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of his minor political party is filed with the Secretary of State nor later than 5 p.m. on the ~~second~~ first Friday after the first Monday in ~~May~~ ~~March~~ April.

4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file with the Secretary of State a certificate of nomination for these offices not later than the first Tuesday in September.

Sec. 5. NRS 293.174 is hereby amended to read as follows:

293.174 1. If the qualification of a minor political party is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the third Friday in ~~August~~ June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the third Friday in ~~August~~ June. A challenge pursuant to this subsection must be filed with the First Judicial District Court if the petition was filed with the Secretary of State.

2. If the qualification of a candidate of a minor political party other than a candidate for the office of President or Vice President of the United States is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Monday in ~~May~~ March. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in ~~May~~ March. A challenge pursuant to this subsection must be filed with:

(a) The First Judicial District Court; or

(b) If a candidate who filed a declaration of candidacy with a county clerk is challenged, the district court for the county where the declaration of candidacy was filed.

Sec. 6. NRS 293.175 is hereby amended to read as follows:

293.175 1. The primary election must be held on the ~~12th Tuesday before the general election~~ second Tuesday in June of each even-numbered year.

2. Candidates for partisan office of a major political party and candidates for nonpartisan office must be nominated at the primary election.

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

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

5. The provisions of NRS 293.175 to 293.203, inclusive, do not apply to:

- (a) Special elections to fill vacancies.
- (b) The nomination of the officers of incorporated cities.
- (c) The nomination of district officers whose nomination is otherwise provided for by statute.

Sec. 7. NRS 293.177 is hereby amended to read as follows:

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

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in ~~May~~ March of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in ~~May~~ March.

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

(a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since September 1 before the closing filing date

for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

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

.....

Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

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

person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

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

.....

Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

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

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

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

Sec. 8. NRS 293.180 is hereby amended to read as follows:

293.180 1. Ten or more registered voters may file a certificate of candidacy designating any registered voter as a candidate for:

(a) Their major political party's nomination for any partisan elective office, or as a candidate for nomination for any nonpartisan office other than a judicial office, not earlier than the first Monday in ~~[April]~~ *February* of the year in which the election is to be held nor later than 5 p.m. on the first Friday in ~~[May]~~ *March*; or

(b) Nomination for a judicial office, not earlier than the first Monday in December of the year immediately preceding the year in which the election is to be held nor later than 5 p.m. on the first Friday in January of the year in which the election is to be held.

2. When the certificate has been filed, the officer in whose office it is filed shall notify the person named in the certificate. If the person named in the certificate files an acceptance of candidacy and pays the required fee, as provided by law, he is a candidate in the primary election in like manner as if he had filed a declaration of candidacy.

3. If a certificate of candidacy relates to a partisan office, all of the signers must be of the same major political party as the candidate designated.

Sec. 9. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer:

(a) A copy of the petition of candidacy that he intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2

preceding the date of the election and not later than 25 working days before the last day to file the petition pursuant to subsection 4.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his signature the address of the place at which he actually resides, the date that he signs the petition and the name of the county where he is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his knowledge and belief and were signed in his presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Monday in ~~May~~ ~~March~~ April preceding the general election and not later than 5 p.m. on the ~~second~~ first Friday after the first Monday in ~~May~~ ~~March~~ April.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Monday in ~~May~~ ~~March~~

April. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in ~~{May.}~~ ~~{March.}~~ April.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the first Monday in ~~{May.}~~ ~~{March.}~~ April of the year in which the election is held nor later than 5 p.m. on the ~~{second}~~ first Friday after the first Monday in ~~{May.}~~ ~~{March.}~~ April.

Sec. 10. NRS 293.205 is hereby amended to read as follows:

293.205 1. Except as otherwise provided in NRS 293.208, on or before the third Wednesday in ~~{May.}~~ March of every even-numbered year, the county clerk shall establish election precincts, define the boundaries thereof, abolish, alter, consolidate and designate precincts as public convenience, necessity and economy may require.

2. The boundaries of each election precinct must follow visible ground features or extensions of visible ground features, except where the boundary coincides with the official boundary of the State or a county or city.

3. Election precincts must be composed only of contiguous territory.

4. As used in this section, "visible ground feature" includes a street, road, highway, river, stream, shoreline, drainage ditch, railroad right-of-way or any other physical feature which is clearly visible from the ground.

Sec. 11. NRS 293.206 is hereby amended to read as follows:

293.206 1. On or before the last day in ~~{May.}~~ March of every even-numbered year, the county clerk shall provide the Secretary of State and the Director of the Legislative Counsel Bureau with a copy or electronic file of a map showing the boundaries of all election precincts in the county.

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

3. If the initial or corrected election precinct map is not filed as required pursuant to this section or the county clerk fails to make the necessary changes to the boundaries of an election precinct pursuant to subsection 2, the Secretary of State may establish appropriate precinct boundaries in compliance with the provisions of NRS 293.205 to 293.213, inclusive. If the

Secretary of State revises the map pursuant to this subsection, he shall submit a copy or electronic file of the revised map to the Director of the Legislative Counsel Bureau and the appropriate county clerk.

4. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.

Sec. 12. NRS 293.208 is hereby amended to read as follows:

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

- (a) Ordered by a court of competent jurisdiction;
- (b) Required to meet objections to a precinct by the Attorney General of the United States pursuant to the Voting Rights Act of 1965, 42 U.S.C. §§ 1971 and 1973 et seq., and any amendments thereto;
- (c) Required to comply with subsection 2 of NRS 293.205;
- (d) Required by the incorporation of a new city; or
- (e) Required by the creation of or change in the boundaries of a special district.

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

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

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

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

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

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

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

6. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.

Sec. 13. NRS 293.260 is hereby amended to read as follows:

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

2. If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.

~~3. If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.~~

~~4. If only one major political party has candidates for a particular office ; [and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office.]~~

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

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

~~5. 4.~~ Where no more than the number of candidates to be elected have filed for nomination for:

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

(b) Any nonpartisan office, other than the office of justice of the Supreme Court or the office of member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, he must be declared elected to the office and his name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at

the primary election, his name must be placed on the ballot for the general election; and

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

~~Sec. 5.~~ 5. If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

~~Sec. 13.~~ *Sec. 14.* NRS 293.368 is hereby amended to read as follows:

293.368 1. Whenever a candidate whose name appears upon the ballot at a primary election dies after 5 p.m. of the second Tuesday in ~~June,~~ *April*, his name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for which he was a candidate, except as otherwise provided in subsection 3 of NRS 293.165, he shall be deemed nominated and ~~there shall be a~~ *the* vacancy in the nomination ~~that~~ must be filled as provided in NRS 293.165 or 293.166. If the deceased person was a candidate for a nonpartisan office, the nomination must be filled pursuant to subsection 2 of NRS 293.165.

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

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

~~Sec. 14.~~ *Sec. 15.* NRS 293.481 is hereby amended to read as follows:

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

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

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

(2) Except as otherwise provided in NRS 295.121 or 295.217, arguments for and against the question; and

(3) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

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

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

(2) Arguments for and against the question; and

(3) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide to each county clerk at least 60 days before the election:

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

(2) Arguments for and against the question; and

(3) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

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

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

(2) Arguments for and against the question; and

(3) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

2. A question may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to the provisions of chapter 295 of NRS or any other statute except NRS 293.482, 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.

3. A question that is submitted pursuant to subsection 1 may be withdrawn if the governing body provides notification to each of the county or city clerks within the designated territory of its decision to withdraw the

particular question on or before the same dates specified for submission pursuant to paragraph (a), (b), (c) or (d) of subsection 1, as appropriate.

4. A county or city clerk:

(a) Shall assign a unique identification number to a question submitted pursuant to this section; and

(b) May charge any political subdivision, public or quasi-public corporation, or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation, arguments and description of the anticipated financial effect on the ballot.

~~Sec. 15.~~ *Sec. 16.* NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502, a person may register to vote by mailing an application to register to vote to the county clerk of the county in which he resides. The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If he determines that the application is complete, he shall, within 10 days after he receives the application, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, he shall, as soon as possible, mail a notice to the applicant informing him that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after he receives the information, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

↪ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The applicant shall be deemed to be registered or to have corrected the information in the register ~~if~~

~~(a) [If the application is received by the county clerk or postmarked not more than 3 working days after the applicant completed the application, on the date the applicant completed the application; or~~

~~(b) If the application is received by the county clerk or postmarked more than 3 working days after the applicant completed the application, on the date the application is received by the county clerk.] *[If the application was completed by the applicant on a weekend or holiday and is received by the clerk on the first working day after the weekend or holiday, on the date the application was completed, and*~~

~~(b) *In all other cases,* on the date the application is postmarked or received by the county clerk ~~if~~, whichever is earlier.~~

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at his assigned polling place.

9. The Secretary of State shall prescribe the form for an application to register to vote by mail which must be used to register to vote by mail in this State.

10. The application to register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to register to vote to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be registered to vote. Please retain the duplicate copy or receipt from your application to register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) The question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in paragraph (b) or (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of

NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on his application to register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

~~Sec. 16.~~ Sec. 17. NRS 293B.354 is hereby amended to read as follows:

293B.354 1. The county clerk shall, not later than ~~June~~ April 15 of each year in which a general election is held, submit to the Secretary of State for his approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.

2. The city clerk shall, not later than January 1 of each year in which a general city election is held, submit to the Secretary of State for his approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of the ballots at a polling place, receiving center or central counting place.

3. Each plan must include:

(a) The location of the central counting place and of each polling place and receiving center;

(b) A procedure for the establishment of areas within each polling place and receiving center and the central counting place from which members of the general public may observe the activities set forth in subsections 1 and 2;

(c) The requirements concerning the conduct of the members of the general public who observe the activities set forth in subsections 1 and 2; and

(d) Any other provisions relating to the accommodation of members of the general public who observe the activities set forth in subsections 1 and 2 which the county or city clerk considers appropriate.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Senator Woodhouse requested that her remarks be entered in the Journal.

Thank you, Mr. President. Amendment No. 160 to Senate Bill No. 162. It amends the bill regarding the receipt of mail-in voter registration to provide that the applicant shall be deemed to be registered on the date the application is postmarked or the date received by the county clerk, whichever is earlier. This takes care of issues brought forth by election officials.

It also amends filing dates for declaration of candidacy for minor political party candidates to move these to certain dates in April. Current law specifies certain dates in May.

It also amends filing dates for petitions of candidacy, challenges and declarations of candidacy for independent-party candidates to move these to certain dates in April. Current law specifies certain dates in May.

It also adds a new section to the bill to clarify that if only one major political party has not more than twice the number of candidates to be elected to a particular political office they will not appear in the primary and will only appear on the ballot for the general election. This restriction on holding a primary election for a particular office applies regardless of whether there is a minor political candidate or an independent candidate for the particular office. This alleviates concerns regarding possible litigation.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 190.

Bill read second time.

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

Amendment No. 74.

"SUMMARY—Revises provisions regarding the acquisition and disposal of real property by fair and recreation boards in certain larger counties. (BDR 20-648)"

"AN ACT relating to counties; ~~removing~~ *repealing* the requirement that a county fair and recreation board in certain larger counties obtain the approval of the board of county commissioners before engaging in certain transactions relating to real property; ~~except for certain transactions relating to real property within certain cities;~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits a county fair and recreation board in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) from engaging in any transaction relating to real property without the prior approval of the board of county commissioners. (NRS 244A.627)

This bill ~~removes~~ *repeals* the requirement of obtaining prior approval of the board of county commissioners before the county fair and recreation board engages in a transaction relating to real property ~~, except as to the sale or lease to a person or governmental entity of real property that is located in a city whose population is less than 150,000 (currently the City of Sparks).]~~

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

Section 1. ~~NRS 244A.627 is hereby amended to read as follows:~~

~~244A.627 Notwithstanding any other provision of law, no county fair and recreation board in a county whose population is 100,000 or more and less than 400,000 may [acquire, purchase, lease, sell, or dispose of] *sell or lease to a person or governmental entity* any real property [or engage in any other transaction relating to real property] *within the county which is located in a city whose population is less than 150,000* without prior approval of the board of county commissioners.] *(Deleted by amendment.)*~~

Sec. 2. *NRS 244A.627 is hereby repealed.*

TEXT OF REPEALED SECTION

244A.627 Limitations on powers of board concerning real property in certain counties. Notwithstanding any other provision of law, no county fair and recreation board in a county whose population is 100,000 or more and less than 400,000 may acquire, purchase, lease, sell, or dispose of any real property or engage in any other transaction relating to real property without prior approval of the board of county commissioners.

Senator Lee moved the adoption of the amendment.

Remarks by Senator Lee.

Senator Lee requested that his remarks be entered in the Journal.

Thank you Mr. President. This bill proposes to limit the scope which requires the Washoe County Fair and Recreation Board to obtain approval before acquiring, leasing or selling land to the City of Sparks. Testimony indicated that the City of Sparks no longer needs to be exempted from the provisions of Senate Bill No. 190, and therefore, the amendment proposes to repeal NRS 244A.627 in its entirety. As amended, this measure is identical to the introduced version of S.B. 302 of the 2005 Legislative Session.

Conflict of interest declared by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 207.

Bill read second time and ordered to third reading.

Senate Bill No. 213.

Bill read second time and ordered to third reading.

Senate Bill No. 220.

Bill read second time and ordered to third reading.

Senate Bill No. 302.

Bill read second time and ordered to third reading.

Senate Bill No. 336.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 8.

Resolution read second time and ordered to third reading.

Assembly Bill No. 216.

Bill read second time.

The following amendment was proposed by the Committee on Health and Education:

Amendment No. 96.

"SUMMARY—Revises provisions relating to the Nevada Academy of Health. (BDR 40-1119)"

"AN ACT relating to health; revising the membership and duties of the Nevada Academy of Health; removing the prospective expiration of the Nevada Academy of Health; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

The Nevada Academy of Health studies issues relating to health care in this State and provides assistance, technical support and advice to the Legislative Committee on Health Care and the Department of Health and Human Services. (NRS 439B.250) Section 1 of this bill revises the membership of the Nevada Academy of Health and reduces the membership of the Academy from 14 members to 13 members. Section 1 also revises the duties of the Nevada Academy of Health to require the Academy to study issues relating to the improvement of health and health care in this State and eliminates the requirement to make recommendations relating to a statewide biomedical and health research program.

The Nevada Academy of Health is scheduled to expire on June 30, 2009. (Chapter 452, Statutes of Nevada 2007, p. 2384) Section 2 of this bill removes the prospective expiration of the Nevada Academy of Health.

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

Section 1. NRS 439B.250 is hereby amended to read as follows:

439B.250 1. There is hereby established the Nevada Academy of Health consisting of ~~{14}~~ 13 members as follows:

- (a) The Director or his designee;
- (b) One member who represents the Nevada System of Higher Education appointed by the Board of Regents of the University of Nevada;
- (c) ~~{Six}~~ Four members appointed by the Governor;
- (d) Two members appointed by the Majority Leader of the Senate;
- (e) Two members appointed by the Speaker of the Assembly;
- (f) One member appointed by the Minority Leader of the Senate; ~~and~~
- (g) One member appointed by the Minority Leader of the Assembly ~~{1}~~ ;

and

(h) ~~The chief executive officer of the~~ authorized representative for the State of Nevada of a quality improvement organization of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services which operates in this State or his designee.

2. The members appointed to the Academy pursuant to subsection 1 must not be Legislators and, to the extent practicable, must:

- (a) Represent agencies and organizations that provide education or training for providers of health care;
- (b) Be advocates for the rights of patients;
- (c) Be recognized academic scholars; or
- (d) Be members of the general public who have specialized knowledge and experience that are beneficial to the Academy.

3. The Chairman of the Academy must be elected from among the members of the Academy.

4. Each member of the Academy who is not an officer or employee of the State serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

5. Each member of the Academy who is an officer or employee of the State must be relieved from his duties without loss of his regular compensation so that he may attend meetings of the Committee or the Academy and is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid by the state agency that employs him.

6. *The term of office of a member of the Academy is 2 years.* A vacancy occurring in the membership of the Academy must be filled in the same manner as the original appointment. A member of the Academy may be reappointed.

7. The Academy shall:

(a) Perform any duties prescribed by, and comply with all requests from, the Committee;

(b) Study issues relating to health care in this State, including, without limitation ~~[-, medical]~~ :

- (1) *Medical and clinical research* ~~[and the]~~ ;
- (2) *The education and training of providers of health care;*
- (3) *The improvement of accountability within the system of health care in this State;*
- (4) *The improvement of access to and quality of health care in this State; and*
- (5) *The improvement of the health of the residents of this State;*

(c) Establish standards and goals concerning the provision of health care which are measurable and regularly evaluated;

(d) Analyze and evaluate data relating to health care that is created, collected or reviewed by the Committee and the Department;

(e) Promote cooperation *and partnerships* between the public and private sectors, including the ~~[transfer]~~ *development and implementation of*

technology used to provide health care and the establishment of business partnerships that promote economic development in this State;

(f) ~~Provide recommendations to the Governor and the Legislature concerning the establishment of a statewide biomedical and health research program;~~

~~(g)~~ Provide to the Committee:

(1) Such assistance and technical expertise on matters relating to health care as the Committee may request; and

(2) Advice and recommendations from consumers of health care; and

~~(h)~~ (g) Provide to the Department, at the direction of the Committee:

(1) Technical expertise in matters relating to health care; and

(2) Advice and recommendations from consumers of health care.

8. The Academy may appoint advisory committees if necessary or appropriate to assist the Academy in carrying out the provisions of this section.

9. The Academy may accept gifts, grants and donations of money from any source to carry out the provisions of this section.

Sec. 2. Section 4 of chapter 452, Statutes of Nevada 2007, at page 2384, is hereby amended to read as follows:

Sec. 4. This act becomes effective on July 1, 2007 . ~~[and expires by limitation on June 30, 2009.]~~

Sec. 3. The appointed members of the Nevada Academy of Health must be appointed as follows:

1. One member must be appointed by the Board of Regents of the University of Nevada to a term that commences on July 1, 2009, and ends on June 30, 2011.

2. Four members must be appointed by the Governor to terms that commence on July 1, 2009, and end on June 30, 2011.

3. Two members must be appointed by the Majority Leader of the Senate to terms that commence on July 1, 2009, and end on June 30, 2011.

4. Two members must be appointed by the Speaker of the Assembly to terms that commence on July 1, 2009, and end on June 30, 2011.

5. One member must be appointed by the Minority Leader of the Senate to a term that commences on July 1, 2009, and ends on June 30, 2011.

6. One member must be appointed by the Minority Leader of the Assembly to a term that commences on July 1, 2009, and ends on June 30, 2011.

Sec. 4. 1. This section and sections 2 and 3 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2009.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

Thank you, Mr. President. The amendment clarifies that the representative of the quality improvement organization of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services should be the authorized representative of the State of Nevada.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Care moved that Senate Bill No. 4 be rereferred to the Committee on Finance upon return from reprint.

Motion carried.

Senator Care moved that Senate Bill No. 155 be rereferred to the Committee on Finance upon return from reprint.

Motion carried.

REMARKS FROM THE FLOOR

Senator Woodhouse requested that her remarks be entered in the Journal.

Thank you, Mr. President. Assemblyman Jim Banner, one of our former colleagues in the Legislature, passed away on Monday. Although Mr. Banner had retired from the Legislature before my service began, I have known him for many years, and his wife, Alice, and I taught together for 13 years.

Jim Banner was a man of the people and a man with deep roots in Nevada. Although he was born in California, his family settled in Nevada when he was just a child. He graduated from Las Vegas High School in 1939 and went to work as an apprentice carpenter.

After Pearl Harbor, he heeded the call of his country and joined the Navy. In later life, he was always a passionate supporter of veterans and programs for veterans.

After the war, he came back to Nevada and married Alice Winter. For ten years, he worked as a carpenter during the day and went to college at night to earn his bachelor's degree in business.

During these years, he was active in the carpenters union, serving in several leadership positions. His introduction to public service came in 1963 when he was appointed to the State Industrial Commission which oversaw the workers compensation system. In 1967, he went to work for Clark County as its first personnel manager, then, as its risk manager.

His career in the Legislature began in 1973 and spanned almost a decade and a half. He was a real citizen Legislator, in the best sense of the word. He ran for office by going door to door in his blue-collar district, sometimes helping his constituents with small carpentry jobs. He made many of his campaign signs himself in his own shop. He was utterly unpretentious and would introduce himself as "Jim Banner, Carpenter." He served his constituents well. During his legislative service, he achieved a remarkable 100 percent voting record during eight of the nine sessions he served.

Jim Banner was a tireless advocate for the interests of the working men and women of Nevada. From 1973 through 1989 he was chair of the Assembly Committee on Labor and Management, except during the 1985 Session when his party was in the minority. In that position, he was able to enact many reforms that still benefit the working people of this State. He also served on interim study committees on workers compensation, disability insurance, employee benefits and public employee retirement.

I think that it is fitting that we pause for a few minutes today to honor James J. Banner, an erstwhile colleague and a man who did so much for the working people of Nevada.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Jenene Boardman.

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Lillian Englund.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Shirley Ybara.

On request of Senator Parks, the privilege of the floor of the Senate Chamber for this day was extended to Assemblywoman Bonnie Parnell, Chuck Saylor, Wendell Newman and Ann Lynch.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Peggy Pulver.

On request of Senator Schneider, the privilege of the floor of the Senate Chamber for this day was extended to Assemblyman Mo Denis, Assemblywoman Debbie Smith, Brenda Talley, Lynn Bennett and Robin Munier.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to Sherry Loncar.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Thalia Dondero, Bob Stoldal, Tracy Flatt, David Flatt and Nicholas Flatt.

Senator Care moved that the Senate adjourn until Monday, April 6, 2009, at 11 a.m. and that it do so in memory of former Assemblyman James J. Banner.

Motion carried.

Senate adjourned at 12:47 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate