

## THE ONE HUNDRED AND NINTH DAY

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CARSON CITY (Thursday), May 23, 2013

Senate called to order at 12:24 p.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Neal T. Anderson.

In the spirit of love, compassion, diversity and unity, let us pray.

Spirit of Life, God of many names, be in our hearts and minds as we come together to pray for our State and its Legislators. You come together as Legislators out of many religious traditions; let us know and understand that we each come from our own tradition today to lift our spirits in unity knowing we are part of an interconnected web of life. Let us acknowledge and embrace our oneness. Let us understand that by being and praying together, each in our unique and sacred way, we strengthen our bonds of friendship and solidarity across our diversity.

Let us pray together this afternoon that we may be loving and able stewards of this State and our shared world. We pray that we acknowledge, respect and celebrate our differences as we seek out our common ground; each of us working toward the good of all. We recognize that there is hurt and sorrow, deeds that perplex us and actions for which we can find no justification. Yet, we also know that there is untold good, folks who work every day for the benefit of all people. Let us stand with them, and let us pray for them.

Spirit of Life, ours are the hands that must do Your work. We are the ones who must comfort the sick and lift up the poor; we are the ones who must challenge traditions to bring about justice. Strengthen our resolve. We pray to live out our faiths, each within our own traditions as doers of good works. We ask that we remember to cherish each other, to taste and savor our relationships, to understand that what we know of the sacred we know through these bodies and through these connections of friendship and love.

On this day, we celebrate Jean Ford. May we remember her dedication and love for this State and strive to live up to her example, and so many others in whose footsteps we follow. May we be reminded by our common mean that we are strongest when we work together in incarnating beloved community.

In the Name of all we find sacred and holy, may it be so.

AMEN.

Pledge of Allegiance to the Flag.

The President announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President and Secretary are authorized to make any necessary corrections and additions.

## REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Commerce, Labor and Energy, to which was referred Assembly Bill No. 349, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

*Mr. President:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 303, 364, 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

*Mr. President:*

Your Committee on Natural Resources, to which was referred Assembly Bill No. 264, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

AARON D. FORD, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 22, 2013

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 80, 284, 285, 286, 287, 288, 304, 309, 310, 317, 318, 325, 335, 338, 342, 343, 344, 350, 351.

Also, I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 304.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 67, 301, 405, 408, 410, 414, 424, 436.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 38, Amendment No. 682; Senate Bill No. 54, Amendment No. 607; Senate Bill No. 141, Amendment No. 729; Senate Bill No. 209, Amendment No. 712; Senate Bill No. 228, Amendment No. 780; Senate Bill No. 252, Amendments Nos. 648, 797; Senate Bill No. 273, Amendment No. 720; Senate Bill No. 305, Amendment No. 609; Senate Bill No. 345, Amendment No. 610, and respectfully requests your honorable body to concur in said amendments.

MATTHEW BAKER

*Assistant Chief Clerk of the Assembly*

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

Senate in recess at 12:54 p.m.

SENATE IN SESSION

At 4:47 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that all bills and resolutions, just reported out of Committee, be immediately placed on the appropriate reading files for this legislative day.

Motion carried.

Senator Smith moved that Assembly Bills Nos. 202, 377, 487, be taken from the Secretary's Desk and placed on the General File for this legislative day.

Motion carried.

Senator Smith moved that Assembly Bill No. 227 be taken from the Secretary's Desk and placed on the General File for the next legislative day.

Motion carried.

Senator Smith moved that Assembly Bill No. 300 be taken from the Secretary's Desk and placed on the Second Reading File for this legislative day.

Motion carried.

Senator Smith moved that Assembly Bills Nos. 176, 189, 230, 236, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Smith moved that Assembly Bills Nos. 313, 348, be taken from the General File and placed on the Secretary's Desk.

Motion carried.

Senator Smith moved that Assembly Joint Resolution No. 3 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 517—AN ACT making an appropriation to Teach for America, Inc.; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 67.

Senator Smith moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 301.

Senator Smith moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 304.

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

Motion carried.

Assembly Bill No. 405.

Senator Smith moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 408.

Senator Smith moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 410.

Senator Smith moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

Assembly Bill No. 414.

Senator Smith moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 424.

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

Motion carried.

Assembly Bill No. 436.

Senator Smith moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

#### WAIVERS AND EXEMPTIONS

##### NOTICE OF EXEMPTION

May 22, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bill No. 517.

MARK Krmpotic  
Fiscal Analysis Division

#### SECOND READING AND AMENDMENT

Assembly Bill No. 264.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 707.

"SUMMARY—~~[Increases the penalty for certain crimes]~~ Revises provisions relating to estrays and feral livestock. (BDR 50-531)"

"AN ACT relating to livestock; revising provisions relating to the management, control, placement and disposition of estrays and feral livestock; increasing the penalty for certain crimes relating to estrays and feral livestock; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, all estrays and feral livestock are deemed to be the property of the State Department of Agriculture and the Department has all

rights accruing under state law to owners of such animals, including providing for the control, placement or disposition of those animals. (NRS 569.010) Section 3 of this bill clarifies that the Department is also authorized to provide for the management of estrays and feral livestock.

Existing law authorizes the Department to enter into a cooperative agreement for the control, placement or disposition of livestock. (NRS 569.031) Sections 1, 2 and 4-7 of this bill clarify that the Department is authorized to enter into a cooperative agreement pursuant to NRS 569.031 for the management, control, placement and disposition of estrays and feral livestock. Section 4 also requires any person or entity that enters into a cooperative agreement with the Department to hold the State of Nevada harmless from any claim or liability arising from an act or omission of the person or entity in carrying out the agreement.

Existing law makes it unlawful for a person, other than an authorized agent of the ~~(State) Department of Agriculture,~~ to take up and retain possession of or feed any stray or feral livestock. Under existing law, a person is not cited or charged criminally for the first violation of the prohibition against feeding an stray or feral livestock, but instead receives a warning. (NRS 569.040) Section ~~1 of this bill,~~ 5 also makes a second or subsequent violation of such an offense a gross misdemeanor.

Under existing law, a person who takes up or retains possession of any stray or feral livestock which is not his or her property and without the owner's consent is guilty of a misdemeanor. (NRS 569.130) Section ~~7~~ 8 of this bill increases the penalty for that violation from a misdemeanor to a gross misdemeanor.

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

*Section 1.* NRS 561.218 is hereby amended to read as follows:

561.218 1. The Director shall appoint a person to manage the activities of the Department relating to natural resources, land use planning and the management and control of wild horses, estrays and feral livestock. The person must be appointed on the basis of merit and is in the unclassified service of the State. The Director may remove the person from office with the approval of the Board.

2. The person appointed shall:

(a) Establish and carry out a policy for the management and control of estrays and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this State.

(b) Develop cooperative agreements and working relationships with federal and state agencies and local governments for land use planning and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this State.

(c) Cooperate with private organizations and governmental agencies to develop procedures and policies for the management and control of wild horses.

(d) Monitor gatherings of estrays and feral livestock conducted pursuant to the provisions of NRS 569.040 to 569.130, inclusive, and assist district brand inspectors in identifying estrays before they are sold or given a placement or other disposition through a cooperative agreement established pursuant to NRS 569.031 ~~for~~ for the management, control, placement or disposition of estrays and feral livestock.

(e) Provide the members of the general public with information relating to the activities of the Department and solicit recommendations from the members of the general public and advisory groups concerning those activities.

(f) Make assessments of the level of competition between livestock and wildlife for food and water, collect data concerning the movement of livestock and perform activities necessary to control noxious weeds.

(g) Participate in land use planning relating to the competition for food and water between livestock and wildlife to ensure the maintenance of the habitat of both livestock and wildlife.

(h) Present testimony, conduct research and prepare reports for the Governor, the Legislature, the Director and any other person or governmental entity as directed by the Director.

(i) Develop and carry out a program to educate the members of the general public concerning the programs administered by the Department, including programs for the management and control of estrays and feral livestock.

(j) Make proposals to the Director for the amendment of the regulations adopted by the Board pursuant to NRS 561.105.

(k) Perform such other duties as directed by the Director.

3. As used in this section:

(a) "Estray" has the meaning ascribed to it in NRS 569.0075.

(b) "Feral livestock" has the meaning ascribed to it in NRS 569.008.

(c) "Wild horse" means a horse, mare or colt which is unbranded and unclaimed and lives on public land.

Sec. 2. NRS 561.344 is hereby amended to read as follows:

561.344 1. The Livestock Inspection Account is hereby created in the State General Fund for the use of the Department.

2. The following special taxes, fees and other money must be deposited in the Livestock Inspection Account:

(a) All special taxes on livestock as provided by law.

(b) Fees and other money collected pursuant to the provisions of chapter 564 of NRS.

(c) Fees collected pursuant to the provisions of chapter 565 of NRS.

(d) Unclaimed proceeds from the sale of estrays and feral livestock by the Department pursuant to NRS 569.005 to 569.130, inclusive, or proceeds required to be deposited in the Livestock Inspection Account pursuant to a cooperative agreement established pursuant to NRS 569.031 ~~for~~ for the management, control, placement or disposition of estrays and feral livestock.

(e) Fees collected pursuant to the provisions of chapter 573 of NRS.

(f) Fees collected pursuant to the provisions of chapter 576 of NRS.

(g) Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of animals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 571 of NRS.

3. Expenditures from the Livestock Inspection Account must be made only for carrying out the provisions of this chapter and chapters 564, 569, 571, 573 and 576 of NRS.

4. The interest and income earned on the money in the Livestock Inspection Account, after deducting any applicable charges, must be credited to the Account.

*Sec. 3. NRS 569.010 is hereby amended to read as follows:*

569.010 1. Except as otherwise provided by law, all estrays and feral livestock within this state shall be deemed for the purpose of this section to be the property of the Department.

2. The Department has all rights accruing pursuant to the laws of this state to owners of those animals, and may:

(a) Dispose of estrays and feral livestock by sale through an agent appointed by the Department; or

(b) Provide for the management, control, placement or disposition of estrays and feral livestock through cooperative agreements pursuant to NRS 569.031.

3. Except as otherwise provided by law, all money collected for the sale or for the injury or killing of any such animals must be held for 1 year, subject to the claim of any person who can establish legal title to any animal concerned. All money remaining unclaimed must be deposited in the Livestock Inspection Account after 1 year. The Department may disallow all claims if it deems the claims illegal or not showing satisfactory evidence of title.

4. The Department or any political subdivision of this state is not liable for any trespass or other damage caused by any of those estrays or feral livestock.

*Sec. 4. NRS 569.031 is hereby amended to read as follows:*

569.031 The Department may enter into a cooperative agreement for the management, control, placement or disposition of the livestock with another agency of this state or with a county, city, town, township, peace officer, poundmaster or nonprofit organization. If an agreement is entered into, it must provide for:

1. The responsibility for the payment of the expenses incurred in taking up, holding, advertising and making the disposition of the stray or feral livestock, and any damages for trespass allowed pursuant to NRS 569.440;

2. The disposition of any money received from the sale of the livestock;

3. The protection of the rights of a lawful owner of an stray or feral livestock pursuant to NRS 569.040 to 569.130, inclusive; ~~and~~

4. The designation of the specific geographic area of this state to which the cooperative agreement applies ~~it~~; and

5. The cooperating person or entity to hold the State of Nevada harmless from any claim or liability arising from an act or omission of the cooperating person or entity in carrying out the cooperative agreement.

↪ The Department shall annually review the actions of the cooperating person or entity for compliance with the agreement. The Department may cancel the agreement upon a finding of noncompliant actions.

~~Section 1.~~ Sec. 5. NRS 569.040 is hereby amended to read as follows:

569.040 1. Except as otherwise provided in subsection 2, NRS 569.040 to 569.130, inclusive, or pursuant to a cooperative agreement established pursuant to NRS 569.031 ~~for~~ for the management, control, placement or disposition of estrays and feral livestock, it is unlawful for any person or the person's employees or agents, other than an authorized agent of the Department, to:

- (a) Take up any estray or feral livestock and retain possession of it; or
- (b) Feed any estray or feral livestock.

2. For a first violation of paragraph (b) of subsection 1, a person must not be cited or charged criminally but must be informed that it is unlawful to feed an estray or feral livestock.

3. *For a second or subsequent violation of paragraph (b) of subsection 1, a person is guilty of a gross misdemeanor.*

Sec. 6. NRS 569.080 is hereby amended to read as follows:

569.080 1. If an estray is not claimed within 5 working days after the last publication of the advertisement required by NRS 569.070, it must be:

- (a) Sold by the Department; or
- (b) Held by the Department until the estray is given a placement or other disposition through a cooperative agreement established pursuant to NRS 569.031 ~~for~~ for the management, control, placement or disposition of estrays and feral livestock.

2. If feral livestock is not claimed by the date of sale published pursuant to NRS 569.075, the feral livestock must be sold by the Department pursuant to NRS 569.075 or placed pursuant to a cooperative agreement established pursuant to NRS 569.031 ~~for~~ for the management, control, placement or disposition of estrays and feral livestock.

3. If the Department sells the estray or feral livestock, the Department shall give a brand inspection clearance certificate to the purchaser.

4. Estrays and feral livestock must be marked, branded or identified with an individual animal identification before sale or placement.

Sec. 7. NRS 569.090 is hereby amended to read as follows:

569.090 1. Except as otherwise provided pursuant to a cooperative agreement established pursuant to NRS 569.031 ~~for~~ for the management, control, placement or disposition of estrays and feral livestock, the Department shall:

- (a) Pay the reasonable expenses incurred in taking up, holding, advertising and selling the estray or feral livestock, and any damages for trespass



allowed pursuant to NRS 569.440, from the proceeds of the sale of the estray or feral livestock and shall place the balance in an interest-bearing checking account in a bank or credit union qualified to receive deposits of public money. The proceeds from the sale and any interest on those proceeds, which are not claimed pursuant to subsection 2 within 1 year after the sale, must be deposited in the State Treasury for credit to the Livestock Inspection Account.

(b) Make a complete record of the transaction, including any marks and brands and other means of identification of the estray, and shall keep the record available for inspection by members of the general public.

2. If the lawful owner of the estray or feral livestock is found within 1 year after its sale and proves ownership to the satisfaction of the Department, the net amount received from the sale must be paid to the owner.

3. If any claim pending 1 year after the date of sale is denied, the proceeds and any interest thereon must be deposited in the Livestock Inspection Account.

~~[Sec. 2.]~~ Sec. 8. NRS 569.130 is hereby amended to read as follows:

569.130 Any person, including, without limitation, any firm, company, association or corporation, who takes up or retains in his or her possession any estray or feral livestock not the person's property, without the owner's consent, or except in accordance with the provisions of NRS 569.040 to 569.130, inclusive, is guilty of a *gross* misdemeanor.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 707 to Assembly Bill No. 264 clarifies that any such cooperative agreement must provide for the cooperating person or entity to hold the State of Nevada harmless from any claim or liability arising from an act or omission of the cooperating person or entity in carrying out the cooperative agreement.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 300.

Bill read second time.

The following amendment was proposed by Senator Segerblom:

Amendment No. 812.

"SUMMARY—Revises provisions governing real property. (BDR 9-961)"

"AN ACT relating to real property; revising provisions governing the affidavit of authority to exercise the power of sale under a deed of trust which must be included with a notice of default and election to sell; revising provisions governing the exercise of the power of sale under a deed of trust; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires a notice of default and election to sell real property subject to a deed of trust to include an affidavit based on the personal

knowledge of the affiant setting forth certain information concerning the deed of trust, the amounts due, the possession of the note secured by the deed of trust and the authority to foreclose. (NRS 107.080) Section 1 of this bill provides that certain information provided in the affidavit may be based on: (1) the information obtained by the affiant's review of the business records of the beneficiary of the deed of trust; and (2) the information contained in the records of the recorder of the county in which the property is located or the title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State. Section 1 also revises the information required to be stated in the affidavit. Section 1 further provides that the power of sale may not be exercised until the beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale. Under sections 2 and 3 of this bill, the amendatory provisions of this bill become effective upon passage and approval and apply to a notice of default and election to sell recorded on or after the effective date of this bill.

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

Section 1. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment;  
or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale . ~~[stating, based on personal knowledge and]~~ *Except as otherwise provided in subparagraph ~~##(6)##~~ (5), the affidavit required by this paragraph must state under the penalty of perjury ~~[-]~~ the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:*

(1) The full name and business address of the *current* trustee or the *current* trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the ~~[servicers]~~ *current servicer* of the obligation or debt secured by the deed of trust . ~~[-]~~

(2) ~~[The full name and last known business address of every prior known beneficiary of the deed of trust;~~

~~(3)]~~ That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust ~~[-]~~

~~(4) That]~~ *or that the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled to enforce the ~~obligation or debt secured by the deed of trust]~~ instrument if the beneficiary or its successor in interest or the trustee is:*

~~(I) The holder of the instrument ~~[-]~~ ~~constituting the obligation or debt;~~~~

~~(II) A nonholder in possession of the instrument who has the rights of a holder; or~~

~~(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.~~

~~(3) [That the beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee] [has the authority] [to exercise the power of sale with respect to the property ~~[-]~~ [pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the deed of trust;~~

~~(5) The]~~

~~##(4)##~~ *That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee , or an attorney*

*representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:*

*(I) The amount of payment required to make good the deficiency in performance or payment, ~~void~~ avoid the exercise of the power of sale and reinstate the terms and conditions of the underlying obligation or debt ~~that~~ existing before the deficiency in performance or payment, as of the date of the statement;*

*(II) The amount in default ~~of the~~;*

*(III) The principal amount of the obligation or debt secured by the deed of trust ~~of~~;*

*(IV) The amount of accrued interest and late charges;*

*(V) A good faith estimate of all fees imposed ~~and to be imposed because of the default and the costs and fees charged to the debtor~~ in connection with the exercise of the power of sale; and*

~~[(6)]~~ *(VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in subparagraph ~~[(5)]~~ (4).*

~~[(5)]~~ *(4) A local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive ~~answers to any questions concerning the information contained in the affidavit.~~*

~~[(6)]~~ *the most current amounts due and a recitation of the information contained in the affidavit.*

*(5) The date ~~of~~ and the recordation number or other unique designation of ~~the instrument that conveyed the interest of each beneficiary and a description of the instrument that conveyed the interest of each beneficiary,~~ and the name of each assignee under, each recorded assignment of the deed of the trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:*

*(I) The direct, personal knowledge of the affiant;*

*(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;*

*(III) Information contained in the records of the recorder of the county in which the property is located; or*

*(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.*

➔ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.

(e) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; and

(b) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.

7. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of \$5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,  
↪ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to \$500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of \$150 for deposit in the State General Fund.

(b) A fee of \$45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

(c) A fee of \$5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to paragraphs (a) and (b) of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation as prescribed pursuant to subsection 11. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 11.

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(b) "Trustee" means the trustee of record.

Sec. 2. The amendatory provisions of this act apply only to a notice of default and election to sell which is recorded pursuant to NRS 107.080, as amended by this act, on or after the effective date of this act.

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

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Thank you, Mr. President. Amendment No. 812 to Assembly Bill No. 300 changes the effective date back to "upon passage and approval." The rest of the amendment addresses technical issues.

Amendment adopted.

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

Assembly Bill No. 303.

Bill read second time and ordered to third reading.

Assembly Bill No. 349.

Bill read second time.

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

Amendment No. 831.

"SUMMARY—Revises provisions governing professions. (BDR 54-420)"

"AN ACT relating to professions; authorizing certain qualified professionals who hold a license in another state or territory of the United States and who are active members or veterans of, the spouse of an active member of, or the surviving spouse of a veteran of, the Armed Forces of the United States to apply for a license by endorsement to practice in this State; authorizing certain regulatory bodies to enter into a reciprocal agreement with the corresponding regulatory authority of another state or territory of the United States for the purposes of authorizing a licensee to practice concurrently in this State and another jurisdiction and regulating such licensees; authorizing certain qualified physicians and podiatrists to obtain a license by endorsement under certain circumstances; authorizing a medical facility to employ or contract with a physician to provide health care to a



patient of the medical facility; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law generally provides for the regulation of professions in this State. (Title 54 of NRS) Section ~~HH~~ 1.1 of this bill authorizes certain qualified professionals who are licensed in another state or territory of the United States and who are active members or veterans of, the spouse of an active member of, or the surviving spouse of a veteran of, the Armed Forces of the United States to apply for and receive a license by endorsement to practice their respective profession in this State. Section 1.1 also provides that a person who meets such requirements and receives a license by endorsement in certain professions is entitled to at least a 50 percent reduction in the fee for an examination required as a prerequisite to licensure or for initial issuance of a license.

Section 1.15 of this bill authorizes certain regulatory bodies of this State to enter into a reciprocal agreement with the corresponding regulatory authority of another state or territory of the United States for the purposes of authorizing and regulating the practice of certain professions concurrently in this State and another jurisdiction. Sections 1.2, 1.5 and 1.7 of this bill authorize certain qualified physicians and certain qualified podiatrists to obtain a license by endorsement to practice in this State if the physician or podiatrist: (1) holds a valid and unrestricted license to practice in another state or territory of the United States; (2) is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association, as applicable; and (3) meets certain other requirements.

Section 1.85 of this bill authorizes a medical facility to employ or contract with a physician to provide health care to a patient of the medical facility. Section 1.85 requires a medical facility, other than a hospital, that employs or contracts with a physician to provide health care to a patient to have: (1) credentialing and privileging standards and a process for peer review for the medical facility; and (2) a physician or committee of physicians oversee those standards and the process for peer review.

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 1.1 and 1.15 of this act.

*Sec. 1.1. 1. Notwithstanding the applicable provisions for obtaining a license pursuant to this title, a regulatory body may issue such a license by endorsement to an applicant if:*

*(a) The applicant holds a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or any state or territory of the United States;*

(b) *The applicant is an active member or veteran of, the spouse of an active member of, or the surviving spouse of a veteran of, the Armed Forces of the United States; and*

(c) *The regulatory body determines that the provisions of law in the state or territory in which the applicant holds a license as described in paragraph (a) are substantially equivalent to the applicable provisions of law in this State.*

2. *An applicant for a license by endorsement pursuant to this section must submit to the applicable regulatory body with his or her application:*

(a) *Proof satisfactory to the regulatory body that the applicant:*

(1) *Satisfies the requirements of paragraphs (a) and (b) of subsection 1;*

(2) *Is a citizen of the United States or otherwise has the legal right to work in the United States;*

(3) *Has not been disciplined or investigated by the corresponding regulatory authority of ~~the~~ any state or territory in which the applicant holds a license to practice his or her respective profession;*

(4) *If applicable to the profession, has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and*

(5) *If applicable to the profession, is certified by a specialty board of the American Board of Medical Specialties ~~or~~ or the American Osteopathic Association;*

(b) *An affidavit stating that the information contained in the application and any accompanying material is true and correct; and*

(c) *Any other information required by the regulatory body in this State under whose jurisdiction the license may be issued.*

3. *Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, a regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. The regulatory body shall approve or deny the application not later than ~~45~~ :*

*(a) Forty-five days after receiving all the additional information required by the regulatory body to complete the application ~~or~~ ; or*

*(b) If the regulatory body requires the applicant to submit fingerprints for the purpose of obtaining a report on the applicant's background, 10 days after receiving the report from the appropriate authority,*

*↳ whichever occurs later.*

4. *A license by endorsement may be issued at a meeting of the regulatory body or between its meetings by the chief executive officer of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.*

5. *Notwithstanding any applicable provision of chapters 630 to 641C, inclusive, or 644 of NRS establishing a fee for any examination required as a prerequisite to licensure or for the issuance of a license, a regulatory body subject to one of those chapters shall not collect from any person to whom a*

license by endorsement is issued pursuant to this section more than one-half of the specified fee for the examination or initial issuance of the license.

6. At any time before making a final decision on an application for a license by endorsement, a regulatory body may grant a provisional license authorizing the applicant to practice his or her respective profession in accordance with regulations adopted by the regulatory body.

7. As used in this section, "veteran" means a person who qualifies for an exemption pursuant to NRS 361.090.

Sec. 1.15. 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body shall prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to such reciprocal agreements and shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 1.2. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or been the subject of multiple investigations by the corresponding regulatory authority of any state or territory in which the applicant holds a license to practice medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 1.25. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, and sections 1.1 and 1.2 of this act, a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association, has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(e) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. An applicant for a license may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 2:

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or in another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

4. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

~~4.4~~ 5. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

- (a) Temporarily suspend the license;
- (b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;
- (c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;
- (d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or
- (e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:
  - (1) Placing the licensee on probation for a specified period with specified conditions;
  - (2) Administering a public reprimand;
  - (3) Limiting the practice of the licensee;
  - (4) Suspending the license for a specified period or until further order of the Board;
  - (5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;
  - (6) Requiring supervision of the practice of the licensee;
  - (7) Imposing an administrative fine not to exceed \$5,000;
  - (8) Requiring the licensee to perform community service without compensation;
  - (9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;
  - (10) Requiring the licensee to complete any training or educational requirements specified by the Board; and
  - (11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

~~5.1~~ 6. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the

Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

*Sec. 1.3. NRS 630.165 is hereby amended to read as follows:*

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 *or section 1.1 or 1.2 of this act* must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 or 2 must include all information required to complete the application.

4. In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

5. The applicant bears the burden of proving and documenting his or her qualifications for licensure.

*Sec. 1.33. NRS 630.171 is hereby amended to read as follows:*

630.171 Except as otherwise provided in NRS 630.263, in addition to the other requirements for licensure, an applicant for a license to practice medicine shall cause to be submitted to the Board, if applicable:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant ~~received~~ *completed* training; and

2. Proof of satisfactory completion of a progressive postgraduate training program specified in subparagraph (3) of paragraph (d) of subsection 2 of NRS 630.160 within 60 days after the scheduled completion of the program.

*Sec. 1.35. NRS 630.258 is hereby amended to read as follows:*

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,  
↳ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;  
(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~or~~ or section 1.1 or 1.2 of this act;

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board shall issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or  
(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.



7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

*Sec. 1.4. NRS 630.265 is hereby amended to read as follows:*

630.265 1. ~~Except as otherwise provided in~~ *Unless the Board denies such licensure pursuant to NRS 630.161 ~~or~~ or for other good cause,* the Board ~~may~~ *shall* issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

- (a) A graduate of an accredited medical school in the United States or Canada; or
- (b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

*Sec. 1.45. NRS 630.268 is hereby amended to read as follows:*

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement <i>issued pursuant to NRS 630.1605 or section 1.2 of this act</i> .....	\$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license.....	400
For renewal of a limited, restricted, authorized facility or special license .....	400
For application for and issuance of a license as a physician assistant .....	400
For biennial registration of a physician assistant .....	800

For biennial registration of a physician..... 800  
 For application for and issuance of a license as a perfusionist or practitioner of respiratory care..... 400  
 For biennial renewal of a license as a perfusionist..... 600  
 For biennial registration of a practitioner of respiratory care..... 600  
 For biennial registration for a physician who is on inactive status .. 400  
 For written verification of licensure..... 50  
 For a duplicate identification card..... 25  
 For a duplicate license..... 50  
 For computer printouts or labels ..... 500  
 For verification of a listing of physicians, per hour ..... 20  
 For furnishing a list of new physicians ..... 100

2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

*Sec. 1.5. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:*

*1. Except as otherwise provided in NRS 633.315, the Board may issue a license by endorsement to practice osteopathic medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:*

*(a) Holds a corresponding valid and unrestricted license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States; and*

*(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.*

*2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:*

*(a) Proof satisfactory that the applicant:*

*(1) Satisfies the requirements of subsection 1;*

*(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;*

*(3) Has not been disciplined or investigated by the corresponding regulatory authority of any state or territory in which the applicant holds a license to practice osteopathic medicine; and*

*(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;*

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice osteopathic medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice osteopathic medicine to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement to practice osteopathic medicine may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 1.55. NRS 633.311 is hereby amended to read as follows:

633.311 1. Except as otherwise provided in NRS 633.315, 633.381 to 633.419, inclusive, and sections 1.1 and 1.5 of this act, an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

~~1.1~~ (a) The applicant is 21 years of age or older;

~~1.2~~ (b) The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

~~1.3~~ (c) The applicant is a graduate of a school of osteopathic medicine;

~~1.4~~ (d) The applicant:

~~1.4.1~~ (1) Has graduated from a school of osteopathic medicine before 1995 and has completed:

~~1.4.1.1~~ (I) A hospital internship; or

~~1.4.1.2~~ (II) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

~~1.4.2~~ (2) Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

~~1.4.3~~ (3) Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

~~1.4.4~~ (e) The applicant applies for the license as provided by law;

~~(6)~~ *(f)* The applicant passes:

~~(a)~~ *(1)* All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

~~(b)~~ *(2)* All parts of the licensing examination of the Federation of State Medical Boards ~~[of the United States, Inc.;~~

~~(c)~~ ;

*(3)* All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

~~(d)~~ *(4)* A combination of the parts of the licensing examinations specified in ~~paragraphs (a), (b) and (c)~~ *subparagraphs (1), (2) and (3)* that is approved by the Board;

~~(7)~~ *(g)* The applicant pays the fees provided for in this chapter; and

~~(8)~~ *(h)* The applicant submits all information required to complete an application for a license.

*2. An applicant for a license may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 1:*

*(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or, except for a resident who is enrolled in a postgraduate training program in this State pursuant to subparagraph (3) of paragraph (d) of subsection 1, in another state or territory of the United States;*

*(b) In one or more approved specialties or disciplines;*

*(c) In nonconsecutive months; and*

*(d) At any time before receiving his or her license.*

*Sec. 1.57. NRS 633.322 is hereby amended to read as follows:*

633.322 In addition to the other requirements for licensure to practice osteopathic medicine, an applicant shall cause to be submitted to the Board:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant received training; and

2. If applicable, proof of satisfactory completion of a postgraduate training program specified in *subparagraph (3) of paragraph ~~(c)~~ (d)* of subsection ~~4~~ *1* of NRS 633.311 within 120 days after the scheduled completion of the program.

*Sec. 1.6. NRS 633.401 is hereby amended to read as follows:*

633.401 1. ~~Except as otherwise provided in~~ *Unless the Board denies such licensure pursuant to NRS 633.315 ~~(5)~~ or for other good cause,* the Board ~~may~~ *shall* issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of subparagraph (3) of paragraph ~~(c)~~ (d) of subsection ~~4~~ 1 of NRS 633.311.

(c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

4. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

*Sec. 1.65. NRS 633.416 is hereby amended to read as follows:*

633.416 1. An osteopathic physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,  
 ↪ may obtain a special volunteer license to practice osteopathic medicine by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer license to practice osteopathic medicine must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the osteopathic physician;

(b) Proof that the osteopathic physician previously has been issued an unrestricted license to practice osteopathic medicine in any state of the United States and that the osteopathic physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the osteopathic physician satisfies the requirements for licensure set forth in NRS 633.311 or the requirements for licensure by endorsement set forth in NRS 633.400, ~~4~~ or section 1.1 or 1.5 of this act;

(d) Acknowledgment that the practice of the osteopathic physician under the special volunteer license to practice osteopathic medicine will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the osteopathic physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer license to practice osteopathic medicine, except for payment by a medical facility at which the osteopathic physician provides volunteer medical services of the expenses of the osteopathic physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of an osteopathic physician satisfies the requirements of subsection 2 and that the retired osteopathic physician is competent to practice osteopathic medicine, the Board shall issue a special volunteer license to practice osteopathic medicine to the osteopathic physician.

4. The initial special volunteer license to practice osteopathic medicine issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer license to practice osteopathic medicine; or

(b) The issuance or renewal of a special volunteer license to practice osteopathic medicine pursuant to this section.

6. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section and who accepts the privilege of practicing osteopathic medicine in this State pursuant to the provisions of the special volunteer license to practice osteopathic medicine is subject to all the provisions governing disciplinary action set forth in this chapter.

7. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 1.7. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of any state or territory in which the applicant holds a license to practice podiatry; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 1.75. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. ~~1.1~~ Except as otherwise provided in section 1.1 or 1.7 of this act, a license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

(d) Has completed a residency approved by the Board.

(e) Has passed the examination given by the National Board of Podiatric Medical Examiners.

(f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

- (a) The fee for an application for a license of not more than \$600;
- (b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and
- (c) All other information required by the Board to complete an application for a license.

↪ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

- (a) A limited license to practice podiatry pursuant to NRS 635.075; or
- (b) A provisional license to practice podiatry pursuant to NRS 635.082.

*Sec. 1.8. NRS 635.065 is hereby amended to read as follows:*

635.065 1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state or the District of Columbia must submit:

(a) An affidavit signed by the applicant that:

(1) Identifies each jurisdiction in which the applicant has been licensed to practice; and

(2) States whether a disciplinary proceeding has ever been instituted against the applicant by the licensing board of that jurisdiction and, if so, the status of the proceeding; and

(b) If the applicant is currently licensed to practice podiatry in another state or the District of Columbia, a certificate from the licensing board of that jurisdiction stating that the applicant is in good standing and no disciplinary proceedings are pending against the applicant.

2. ~~The~~ Except as otherwise provided in section 1.1 or 1.7 of this act, ~~the~~ Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

(a) Pass an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(b) Submit satisfactory proof that:

(1) The applicant maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding the application;



(2) No disciplinary proceeding has ever been instituted against the applicant by a licensing board in any jurisdiction in which he or she is licensed to practice podiatry; and

(3) The applicant has participated in a program of continuing education that is equivalent to the program of continuing education that is required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

Sec. 1.85. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A medical facility may employ or contract with a physician to provide health care to a patient of the medical facility.

2. If a medical facility, other than a hospital, employs or contracts with a physician pursuant to subsection 1, the medical facility must have:

(a) Credentialing and privileging standards and a process for peer review for the medical facility; and

(b) A physician or committee of physicians who oversees the standards and process required pursuant to paragraph (a).

3. If a medical facility employs or contracts with a physician pursuant to subsection 1, the medical facility shall not, by virtue of its employment of or contract with the physician, interfere with, limit or otherwise impede the ability of the physician to care for a patient in a manner consistent with the professional medical judgment of the physician.

4. As used in this section:

(a) "Credentialing" means obtaining, verifying and assessing the qualifications of a physician to provide treatment, care or services in or for a medical facility.

(b) "Physician" means a person licensed to practice medicine pursuant to chapter 630 or 633 of NRS.

(c) "Privileging" means the authorizing by an appropriate authority of a physician to provide specific treatment, care or services at a medical facility subject to limits based on factors that include, without limitation, the physician's license, education, training, experience, competence, health status and specialized skill.

Sec. 2. This act becomes effective on July 1, 2013.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Thank you, Mr. President. Amendment No. 831 makes six changes to Assembly Bill No. 349: (1) adds Senator Hardy and Assemblyman Eisen as joint sponsors; (2) provides for a 50 percent reduction in the fee for the initial issuance of a license or an examination as a prerequisite to licensure to certain members and spouses of persons in the Armed Forces; (3) authorizes certain regulatory professional bodies to enter into a reciprocal agreement with the corresponding authority in another state or territory of the United States; (4) authorizes qualified physicians and podiatrists to obtain a license by endorsement; (5) authorizes a medical facility to employ or contract with a physician to provide health care to a patient of the medical facility under certain circumstances; and (6) requires that an applicant for a license by endorsement must provide proof that he or she has not been disciplined by the corresponding regulatory authority of any state or territory where the applicant holds a license to practice his or her profession.

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

Assembly Bill No. 364.  
Bill read second time and ordered to third reading.

Assembly Bill No. 448.  
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 1.  
Resolution read third time.

Remarks by Senator Segerblom.

Thank you, Mr. President. Assembly Joint Resolution No. 1 recognizes the Upper Las Vegas Wash as a unique and nationally important paleontological, cultural and biological site. The resolution expresses legislative support for designating the Upper Las Vegas Wash as a national monument in order to conserve, protect, interpret and enhance the site's resources for the benefit of present and future generations. For those of you who are not familiar with Las Vegas, the Upper Las Vegas Wash is located in the northern part of the valley up against the mountains.

Roll call on Assembly Joint Resolution No. 1:

YEAS—21

NAYS—None.

Assembly Joint Resolution No. 1 having received a constitutional majority,  
Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 113.

Bill read third time.

Remarks by Senators Hammond and Jones.

SENATOR HAMMOND:

Thank you, Mr. President. Senate Bill No. 113 requires the Health Division to establish a Registry of Putative Fathers, containing, at a minimum: the name of the registrant; the registrant's date of birth; the registrant's Social Security number; the name, sex, date of birth and place of birth of the child who is the subject of the registration, if known; and the name, address and Social Security number of the child's mother, if known. There shall be no fee to register as a putative father, nor to withdraw from the Registry. A putative father may only register once for a given child. Registry information is confidential. The Health Division may charge a reasonable fee to search the Registry or provide a certified copy of a registration. The Health Division shall establish a statewide campaign to make the public aware of the Registry.

If a putative father registers before the birth of the child, within 30 days after the birth of the child, or within 30 days of receiving notification that he may be the father of the child, the registrant is entitled to receive notice of a proceeding for adoption or termination of parental rights regarding the child who is the subject of the registration. If a putative father fails to register with, or withdraws his registration from the Registry, the putative father waives his right to receive any notices of such proceedings and waives his right to have consent obtained before the child may be adopted. When a summary petition for termination of parental rights is filed, Senate Bill No. 113 requires that the petitioner conduct a search of the Registry of Putative Fathers and then to send notice of the filing to any putative father who is identified. The notification must inform the putative father that he has 30 days to appear before the court or notify the court that he has attempted to establish parentage of the child. Senate Bill No. 113

applies only to children born on or after July 1, 2014. The bill becomes effective upon passage and approval for the purpose of adopting regulations, and on July 1, 2014, for all other purposes.

SENATOR JONES:

Thank you, Mr. President. I rise in strong support of Senate Bill No. 113. I had a chance to work on similar legislation in an advocacy position a few sessions ago. I want to commend my colleague from Senate District No. 18 for his efforts to get this moving in a creative way. As an adoptive father, I encourage my colleagues' support.

Roll call on Senate Bill No. 113:

YEAS—21.

NAYS—None.

Senate Bill No. 113 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 95.

Bill read third time.

Remarks by Senator Settelmeyer.

Thank you, Mr. President. Assembly Bill No. 95 requires a pharmacist or practitioner to indicate, at the initial substitution of a generic drug, that it is being substituted for a drug prescribed by brand name on the prescription label, unless the person for whom the drug is dispensed elects not to have such an indication on the label. This bill is effective on July 1, 2013.

Roll call on Assembly Bill No. 95:

YEAS—21.

NAYS—None.

Assembly Bill No. 95 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 126.

Bill read third time.

Remarks by Senator Segerblom.

Thank you, Mr. President. Assembly Bill No. 126 requires an owner or operator of any restaurant or similar retail food establishment that is part of a chain with 15 or more locations within this State to disclose the same nutritional information as required by federal law for such a chain with 20 or more locations.

Roll call on Assembly Bill No. 126:

YEAS—11.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—10.

Assembly Bill No. 126 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 202.

Bill read third time.

The following amendment was proposed by Senator Segerblom:

Amendment No. 829.

"SUMMARY—Revises various provisions relating to juveniles charged as adults for committing certain crimes. (BDR 5-64)"

"AN ACT relating to juvenile justice; revising the list of offenses that are excluded from the original jurisdiction of the juvenile court; authorizing a child who is certified for adult criminal proceedings to petition the court for placement in a state juvenile detention facility during the pendency of the proceeding; requiring the Legislative Committee on Child Welfare and Juvenile Justice to appoint a task force to study certain issues relating to juveniles; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that the juvenile court has exclusive jurisdiction over a child who is alleged to have committed an act designated as a criminal offense unless: (1) the criminal offense is excluded from the jurisdiction of the juvenile court; or (2) the child is alleged to have committed an offense for which the juvenile court may certify the child for criminal proceedings as an adult and the juvenile court certifies the child for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation. (NRS 62B.330, 62B.390)

Under existing law, the offenses excluded from the jurisdiction of the juvenile court include, without limitation, murder and attempted murder. (NRS 62B.330) Section 1 of this bill provides that murder and attempted murder are excluded from the jurisdiction of the juvenile court only if the offense was committed by a child who was ~~14~~ 16 years of age or older when he or she committed the offense. Under section 11 of this bill, this provision becomes effective on October 1, 2014.

Under existing law, during the pendency of the proceeding, a child who is charged with a crime which is excluded from the original jurisdiction of the juvenile court may petition the juvenile court for temporary placement in a facility for the detention of children. (NRS 62C.030) Section 2 of this bill authorizes a child who is certified for criminal proceedings as an adult to petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the proceeding. Under section 11, this provision becomes effective on October 1, 2013.

Section 10 of this bill requires the Legislative Committee on Child Welfare and Juvenile Justice to create a task force to study certain issues relating to juvenile justice.

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

Section 1. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

- (a) Violates a county or municipal ordinance;
- (b) Violates any rule or regulation having the force of law; or
- (c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense ~~†~~ *if the person was ~~14~~ 16 years of age or older when the murder or attempted murder was committed.*

(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the

related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2. NRS 62C.030 is hereby amended to read as follows:

62C.030 1. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

(a) A facility for the secure detention of children; or

(b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

2. If a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of children unless there is probable cause to believe that:

(a) If the child is not detained, the child is likely to commit an offense dangerous to the child or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the juvenile court or to its officers;

(c) The child was taken into custody and brought before a probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

3. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained in the facility and who has been convicted of a criminal offense or charged with a criminal offense, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained in the facility.

4. During the pendency of a proceeding involving ~~the~~:

(a) A criminal offense excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330 ~~and~~; or

(b) A child who is certified for criminal proceedings as an adult pursuant to NRS 62B.390,

→ a child may petition the juvenile court for temporary placement in a facility for the detention of children.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. The Legislative Committee on Child Welfare and Juvenile Justice created by NRS 218E.705 shall create a task force to study certain issues relating to juvenile justice in accordance with the provisions of this section.

2. The Chair of the Legislative Committee on Child Welfare and Juvenile Justice shall appoint to the task force the following 10 voting members:

(a) One member of the Senate or Assembly, who shall serve as Chair of the task force.

(b) One member who is a district attorney.

(c) One member who is a public defender.

(d) One member from the Office of the Attorney General.

(e) One member from the Division of Child and Family Services of the Department of Health and Human Services.

(f) One member who is a judge of the juvenile court.

(g) One member who is a director of juvenile services, as defined in NRS 62A.080.

(h) One member who is a mental health professional.

(i) One member who is a representative from an organization that advocates on behalf of juveniles.

(j) The Director of the Department of Corrections.

3. The task force shall study the following issues and make its findings and any recommendations for proposed legislation:

(a) The laws in this State and other states, including an examination of best practices, pertaining to certification of juveniles as adults and offenses excluded from the jurisdiction of the juvenile court.

(b) The advantages and disadvantages of blended sentencing.

(c) The ability of adult correctional facilities and institutions to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and incarcerated in adult facilities and institutions.

(d) The ability of juvenile detention facilities to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and detained in juvenile detention facilities.

(e) The costs and benefits of housing juvenile offenders who are convicted of crimes as adults in adult correctional facilities and institutions and in juvenile detention facilities.

(f) Proposed legislation that is necessary to implement any necessary or desirable changes in Nevada law relating to the issues set forth in this subsection.

4. The members of the task force, other than the Chair of the task force, serve without compensation, except that each such member is entitled, while engaged in the business of the task force and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

5. Not later than 30 days after appointment, each member of the task force, other than the Chair of the task force, shall nominate one person to serve as his or her alternate member and submit the name of the person nominated to the Chair of the task force for appointment. An alternate member shall serve as a voting member of the task force when the appointed member who nominated the alternate member is disqualified or unable to serve.

6. The members of the task force shall hold not more than four meetings at the call of the Chair of the task force.

7. To the extent that money is available, including, without limitation, money from gifts, grants and donations, the Committee may fund the costs of the task force.

8. The Committee shall submit a report of the findings of the task force and its recommendations for legislation to the 78th Session of the Nevada Legislature.

Sec. 11. 1. This section and section 10 of this act become effective on July 1, 2013.

2. Sections 2 to 9, inclusive, of this act become effective on October 1, 2013.

3. Section 1 of this act becomes effective on October 1, 2014.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senators Segerblom, Brower, Roberson, Hardy, Hutchison, Spearman, Ford, Hammond and Smith.

SENATOR SEGERBLOM:

Thank you, Mr. President. Assembly Bill No. 202 indicates that juveniles under the age of 14 years will be treated as juveniles for murder or attempted murder. Amendment No. 829 to Assembly Bill No. 202 raises the age to 16 years of age, and says that a juvenile of age 15 or 14 years can be certified as an adult if the prosecutor goes to the judge and asks for it. In other words, the default is age 16, but for those a year or two younger, they can be certified as adults if the prosecutor thinks it is important. The bill is only applicable to murder or attempted murder charges.

SENATOR BROWER:

Thank you, Mr. President. I rise in opposition to Amendment No. 829 to Assembly Bill No. 202. Those of us on the Senate Committee on Judiciary who had some reservations about the bill, also had some reservations to this particular amendment. We had proposed a modification to the amendment. We thought we had a deal, but apparently, that is not the case. I will be bringing a further amendment which I do not feel is in order at this time since it is not yet drafted. I will rely on the Front Desk for the timing and the procedure for that once the amendment is drafted. For now, from my perspective, the age of 16 years is too high—currently the law, which follows the common law, is for murder cases, a child as young as age 8 can be tried as an adult. There seems to be a general consensus that age is too low. While it is common law, that is a centuries-old age. As I understand it, the idea was to raise the age to 12 years. That



is the deal that was worked out in the Assembly. On the Floor of the Assembly, the age was changed to 14 years. With this amendment, the age would be changed to 16 years.

There are a few of us who are okay with the age change to 16 years, as long as we can change another part of *Nevada Revised Statutes* to allow prosecutors to request the judge try a juvenile as an adult for murder down to age 12—this will be the subject of my future proposed amendment. My opposition to Amendment No. 829 to Assembly Bill No. 202 emanates from the fact that there was a deal to use age 12, replaced by another deal to go with age 14. I cannot support the additional change to age 16 nor can the prosecutors of this State.

SENATOR SEGERBLOM:

Thank you, Mr. President. In order to clarify, the difference is, under Amendment No. 829, in order to certify as adults those age 14 and 15 years, the prosecutor would have to go to the judge and request it. There are few of these cases—one per year or so.

SENATOR ROBERSON:

Thank you, Mr. President. To my esteemed colleague from Senate District No. 3, I am having a hard time understanding why any 14- or 15-year-old who commits murder should not be tried as an adult. Can you please help me understand?

SENATOR SEGERBLOM:

Thank you, Mr. President. Science is showing us that 14-, 15- and 16-year-olds—even those up to age 24—their brains are not fully developed. Therefore, there will be situations where a juvenile is not an adult, even when they may have committed murder. Those situations where it is clear, they will be certified as an adult when the prosecutor goes to the judge. To automatically say someone should be tried as an adult for murder when they are say, 14-years old, that is inappropriate given that juvenile minds, and the growth of their brains, isn't complete.

SENATOR ROBERSON:

Thank you, Mr. President. In response to my good friend from Senate District No. 3, I am not a scientist nor am I a doctor. How is one to be able to discern whether a particular 14- or 15-year-old murderer has a fully-developed brain? How are lawyers and judges supposed to determine this?

SENATOR SEGERBLOM:

Thank you, Mr. President. To my colleague, by law the 14- or 15-year-old can be considered adults. This amendment allows a prosecutor to present, and a judge to consider, evidence to show that the accused knew what they were doing, that the crime was heinous and perhaps was intentional. Those circumstances may result in the juvenile being tried as an adult. But to automatically say a 14-year-old is an adult when it comes to murder, and to put them away for life—we do not feel that is appropriate. We want to make sure the prosecutor and the judge work together to make that determination.

SENATOR HARDY:

Thank you, Mr. President. I would like to think I am a scientist, and I am a doctor. A 14-year-old does not have a developed brain.

One of the things I have a challenge with is putting a 13-, 14-, 15-year-old “murderer” into the adult system, and thus, lose the merciful help to get them rehabilitated. I am comfortable and stand in support of Amendment No. 829 to Assembly Bill No. 202.

SENATOR BROWER:

Thank you, Mr. President. I would like to make a couple of clarifying points. I will address the point of our colleague from Senate District No. 12 first. Not only were the prosecutors in our State opposed to this age change—and let me be clear for the record: I do not always agree with the prosecutors in our State, but I do think they are right about this—but the Administrator of the State Division of Child and Family Services was opposed because we do not currently have a facility in our State to house a juvenile murderer. Is sending a 14- or 13-year-old to prison following a conviction as an adult ideal? Maybe not, depending on the individual. But, our State

agency is telling us that they cannot accommodate a 13-year-old murderer. That is a powerful combination: the prosecutors are saying it is a bad idea, as are the social services staff who do this for a living. That resonates with me.

Let me give you an example that I was planning to save for the debate on the bill tomorrow. There is a case pending in Wisconsin, right now, involving two 13-year-olds who decided they would visit the great-grandmother of one of them. Upon visiting her, they bludgeoned her to death with a hatchet and a ball-peen hammer, took her money, took her car and went out for pizza. I know that brief summary description does not give us all the details, but upon review of all the details, the prosecutors in that county decided that these two 13-year-olds should be tried for murder as adults. Under Amendment No. 829 to Assembly Bill No. 202, that could not happen in our State. Our prosecutors would not have the discretion to make that decision, assuming that based upon all of the facts, that a trial for murder in district court was in the best interest of public safety.

Yes, these cases are rare, but they do happen. Think about the victims. In my humble opinion, we ought to trust our prosecutors with making these decisions. Again, I cannot support the amendment.

SENATOR HUTCHISON:

Thank you, Mr. President. I rise to echo the comments of my colleague from Senate District No. 15. I defer to his experience as a federal prosecutor. I would like to point out a fundamental difference between a juvenile exercising judgment as to whether lying under a tanning bed will cause cancer versus the fundamental difference between right and wrong. Killing somebody is a fundamental decision in terms of right and wrong. I think a 13-year-old understands that taking a ball-peen hammer and a hatchet to a grandmother is wrong and could be held accountable for that purpose. I also say that same 13-year-old probably does not have the judgment to determine whether or not they ought to lay under some lights and get a tan that could result in cancer. We do not have to paint with as broad of a brush as some have suggested here.

Thirteen-year-olds know the difference between right and wrong when it comes to murder, and our State ought to have the ability to prosecute those who are engaged in the kind of conduct that my colleague has just recited. For that purpose, I will not be supporting Amendment No. 829 to Assembly Bill No. 202.

SENATOR SEGERBLOM:

Thank you, Mr. President. If I could just address two of the issues, first, this bill is effective October 2014, which is when the Summit View Prison in southern Nevada will be open. There will be a place to house juveniles. With respect to 13-year-olds, the bill already says they will not be tried as adults. The proposed amendment seeks to allow 14- and 15-year-olds, before they are tried as adults, they have to be certified by the judge at the request of the prosecutor.

SENATOR SPEARMAN:

Thank you, Mr. President. My colleague from Senate District No. 3 may have answered this, but I would like to ask my colleague from Senate District No. 15 if he is suggesting that because we do not have buildings to house juveniles that we should lower this age? Also, by way of comment, there is an African proverb that says it takes a whole village to raise a child. I add to that, it takes a whole child to raise another village. If we have 13- and 14-year-olds killing—I am not excusing the act—something has gone wrong in our society.

SENATOR HARDY:

Thank you, Mr. President. I would like to ask my colleagues who practice law, is there not a position where a 13-, 14- or 15-year-old could be in the same vicinity where something heinous happens and did not swing the hammer or the hatchet and, therefore, is likewise guilty of murder?

SENATOR BROWER:

Thank you, Mr. President. In my experience, it is highly unlikely that a district attorney in our State would charge a 12- or 13-year-old with murder in the scenario described by my colleague from Senate District No. 12. It is extremely unlikely to happen.

With respect to the issue concerning our State facilities, I would remind my colleagues that the bill as I understood it—this is an Assembly bill—was intended to change the minimum age in statute from 8 years to 12 years for what is called “direct file” in murder cases. I am not sure we would be debating it at all, if that is the way the bill came out of the other House. I am not sure exactly what happened over there, but Assembly Bill No. 202 came out of the Assembly with the age bumped up to 14 years. It was that fact that caused our able social-service administrators to come forward and testify that they simply cannot accommodate juvenile murderers in their system. I do not know about the opening of this new facility, but with all due respect to my colleague from Senate District No. 3, I do not think this facility is coming online. I do not think the testimony supported that. The facility is not coming online with any certainty by a specific date that the State agency was aware of. It was not easy for the administrator to testify against this bill, it seemed to me. She, simply, could not support the bill and, certainly, would not support this amendment because of the lack of adequate facilities. That was her perspective. There were other reasons as I have articulated as well.

SENATOR FORD:

Thank you, Mr. President. To my colleague from Senate District No. 12, my recollection from law school is the answer to your question is "yes". It is called felony murder. If two kids are walking through the store and they commit a felony robbery and someone ends up getting killed, that is felony murder. I do believe there is an opportunity for a juvenile who is 13 years-old to be charged for murder under circumstances such as that.

I would like to make two additional points. First, this is really a discretion issue. Seldom do I hear of prosecutors trying to turn down discretion. The discretion we are offering them and the judge is to decide between the ages of 14 and 16 whether a juvenile who committed murder is going to be tried as an adult. What they are looking for is a *per se* rule to avoid having to make a tough decision as to whether or not one is going to bind over a juvenile. I lean toward giving discretion. Although I understand the heinous nature of murder, we are still talking about kids with undeveloped brains who respond differently than adults do in circumstances that ultimately may lead to murder.

Finally, regarding the facility, my recollection of the testimony is that—first off, I should point out that we have one juvenile murderer, one in the whole State—we do not have any room in our State to place one juvenile. I found that unpersuasive. That is why the effective date of the bill was pushed out to October 2014. My recollection is the facility will be available at that time. We are not talking about a lot of kids so please keep that in mind. The facility issue should be less of an issue than has been made of today. With that, I support Amendment No. 829 to Assembly Bill No. 202 and I urge my colleagues to do so as well.

SENATOR HAMMOND:

Thank you, Mr. President. When this bill was presented in Committee, I found the testimony persuasive. When we came up for a vote, I voted in favor of the bill. It raised the age of direct filing up to 14 years. I had no problem with that. As my colleague from southern Nevada has mentioned, in the last three years, we have one person who would have fit the terms of this bill. I felt, and still feel, that our main purpose in society, at this time, is to try and rehabilitate to the best of our ability those who we incarcerate. At a young age—12 or 13 years—we have an opportunity to rehabilitate. However, Amendment No. 829 has come to us last minute. Most of the testimony surrounded the individuals who currently meet the criteria how many cases we have had in the last few years dealing with 12- and 13-year-olds. The testimony did not focus on those who are 14- or 15-years-old. I feel uncomfortable given that we do not have a facility yet. When passing the original bill we talked about in Committee, it was an effort to try and move the agency along to get the facilities built and up and running; but at this time, we do not have it. I struggle with the bill, if it is amended. For that reason, I oppose it.

SENATOR SMITH:

Thank you, Mr. President. I want to clarify the facility issue. We had a considerable discussion about this in the Legislative Committees that deal with finance issues. The budget was closed to reopen Summit View. The contractor has been publically announced, and we are on track to have that facility for those offenders online.

SENATOR HUTCHISON:

Thank you, Mr. President. For the record and for the benefit of my colleagues, I want to repeat what the American Civil Liberties Union said during the course of the testimony: they are comfortable raising the age from 8 years to 12 years. They are also comfortable with direct file for those 12 years of age and older. There was a recognition that, in the proper case, it may be appropriate. To be fair, the American Civil Liberties Union said they were more comfortable with the age being at 14 years, but they would agree to the age of 12 years.

SENATOR HARDY:

Thank you, Mr. President. Maybe for the first time on the floor of the Nevada Senate, someone has changed his mind.

Senator Smith moved that the Senate recess subject to the call of the Chair.  
Motion carried.

Senate in recess at 6:05 p.m.

SENATE IN SESSION

At 6:08 p.m.

President Krolicki presiding.

Quorum present.

Senator Segerblom requested that Amendment No. 829 to Assembly Bill No. 202 be withdrawn.

Motion carried.

President Krolicki moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 6:09 p.m.

SENATE IN SESSION

At 6:11 p.m.

President Krolicki presiding.

Quorum present.

Senator Smith moved that Assembly Bill No. 202 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Assembly Bill No. 35 be taken from the Secretary's Desk and placed at the top of the General File for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 35.

Bill read third time.

The following amendment was proposed by Senator Spearman:

Amendment No. 830.

"SUMMARY—Makes various changes to provisions governing elections. (BDR 24-398)"

"AN ACT relating to elections; revising requirements for reporting contributions, expenditures and campaign expenses relating to special elections; revising provisions governing the disposition of unspent contributions; establishing a procedure for a candidate to end his or her campaign; clarifying the existence of certain remedies and penalties relating to campaign finance; making various other changes relating to campaign finance; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires candidates and certain other persons, committees and political parties to file reports with the Secretary of State concerning campaign contributions, loans, campaign expenses and expenditures. (NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360, 294A.362) Currently, separate reporting requirements exist for: (1) primary or general elections; and (2) special elections. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.360, 294A.362) Section 5 of this bill provides that, if a special election is held on the same day as a primary election or general election, any candidate, person, committee or political party that is otherwise required to file a report relating to the special election must instead comply with the reporting requirements for the primary election or general election, as applicable.

Existing law also establishes separate reporting requirements based on whether a general election occurs before July 1 or on or after July 1. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.360) Sections 11, 15, 16, 18-20 and 38 of this bill remove those separate provisions, and sections 11, 15, 18 and 19 also expand the reporting requirements to recall elections.

Existing law requires expenditures made on behalf of a candidate or a group of candidates by a person who is not acting under the direction or control of the candidate or group of candidates, and other expenditures that are made on behalf of the candidate or group of candidates, to be reported to the Secretary of State. (NRS 294A.140, 294A.210) Sections 15 and 19 provide that certain contributions received and expenditures which are ~~[(1)]~~ made for or against a candidate or a group of candidates ~~[(2)]~~ and ~~not coordinated with a candidate or a group of candidates,~~ must be reported. ~~[Section 4.5 of this bill sets forth the circumstances under which an expenditure will not be considered to be coordinated with a candidate or a group of candidates.]~~

A committee for political action that advocates the passage or defeat of a ballot question or a group of questions is required by existing law to report contributions received and expenditures made. (NRS 294A.150, 294A.220) Sections 16 and 20 of this bill make these reporting requirements applicable

even if the question or group of questions is removed from the ballot by court order.

Existing law governs the disposition of unspent contributions. (NRS 294A.160) Section 17 of this bill expands the application of those provisions to: (1) a candidate who is removed from the ballot by court order or is otherwise not elected to office; and (2) a public officer who resigns from his or her office, is not a candidate for any other office and has unspent contributions.

Under existing law, a candidate is required to file reports of contributions and expenses even if the candidate withdraws his or her candidacy, receives no contributions, has no expenses, is removed from the ballot by court order or is the subject of a recall petition and the special election is not held. (NRS 294A.350) Section 27 of this bill expands this requirement to include a candidate who: (1) ends his or her campaign without formally withdrawing his or her candidacy; (2) is not opposed in an election; or (3) is defeated in the primary election. Section 27 also prescribes a process by which a candidate under certain circumstances may end his or her campaign.

If a person, committee or entity that is required to file a report or register pursuant to chapter 294A of NRS fails to do so in accordance with the applicable provisions of that chapter, existing law provides that such a person, committee or entity is subject to a civil penalty. (NRS 294A.420) Section 37 of this bill provides that this and any other remedies and penalties provided by chapter 294A of NRS are cumulative and supplement any other legal or equitable remedies and penalties that may exist, including any applicable criminal penalties.

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

Section 1. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; and

(e) All reports ~~[on campaign contributions and expenditures]~~ submitted to the Secretary of State pursuant to the provisions of *chapter 294A of NRS* . ~~[294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.]~~

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 5, inclusive, of this act.

Sec. 3. "General election" includes:

1. A general election, as defined in NRS 293.060; and
2. A general city election, as defined in NRS 293.059.

Sec. 4. "Primary election" includes:

1. A primary election, as defined in NRS 293.080; and
2. A primary city election, as defined in NRS 293.079.

~~Sec. 4.5. [1. For the purposes of this chapter, an expenditure is not considered to be coordinated with a candidate or group of candidates if the expenditure is made:~~

~~(a) To pay for a communication that uses an image of or information about a candidate or group of candidates if the image or information is obtained from publicly available sources, including, without limitation, Internet websites, newspapers or public records, and is not obtained because of any suggestion, direction, solicitation, cooperation or consultation between the person making the expenditure and the candidate or group of candidates or the opponent or opponents of the candidate or group of candidates; and~~

~~(b) By a person who makes an inquiry regarding the position of the candidate or group of candidates on a legislative or policy issue if the response of the candidate or group of candidates to the inquiry does not include any information regarding plans, projects, activities or needs of the campaign of the candidate or group of candidates.~~

~~2. As used in this section, "candidate or group of candidates" includes, without limitation:~~

~~(a) Any person under the direction or control of a candidate or group of candidates or otherwise involved in the campaign of a candidate or group of candidates;~~

~~(b) Any person related to a candidate within the second degree of consanguinity or affinity; and~~

~~(c) An agent of a candidate or group of candidates.] (Deleted by amendment.)~~

Sec. 5. If a special election is held on the same day as a primary election or general election, any candidate, person, committee or political party that is otherwise required to file a report with the Secretary of State

*pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 shall, in lieu of complying with the requirements of those sections relating to a special election, comply with the requirements of those sections relating to the primary election or general election, as applicable, except that:*

*1. A candidate, person, committee or political party is not required to file a report pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 that was due on or before the date on which the call for the special election was issued; and*

*2. If the special election is held on the same day as a primary election, the final report for the special election that is required pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 is due on or before the 15th day of the second month after the primary election.*

Sec. 6. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.009, inclusive, and sections 3 and 4 of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 294A.0025 is hereby amended to read as follows:

294A.0025 "Advocates expressly" or "expressly advocates" means that a communication, taken as a whole, is susceptible to no other reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate or group of candidates or a question or group of questions on the ballot at a primary election, ~~primary city election,~~ general election ~~general city election,~~ or special election. A communication does not have to include the words "vote for," "vote against," "elect," "support" or other similar language to be considered a communication that expressly advocates the passage or defeat of a candidate or a question.

Sec. 8. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(a) Makes or intends to make contributions to candidates or other persons; or

(b) Makes or intends to make expenditures, ~~designed to affect the outcome of any primary election,~~ ~~primary city election,~~ general election, ~~general city election,~~ special election or question on the ballot.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.



(c) An individual natural person.

(d) An individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) A labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as ~~campaign~~ contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

Sec. 9. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. "Contribution" means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of ~~the~~ a candidate or group who makes an expenditure ~~on behalf of the~~ for or against a candidate or group which is not solicited ~~or by~~ approved by ~~the~~ ~~for coordinated with~~ a candidate or group; or

(3) Committee for political action, political party or committee sponsored by a political party which makes an expenditure ~~on behalf of~~ for or against a candidate or group of candidates,

↪ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services provided to a campaign.

Sec. 10. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds \$5,000 for the primary election , ~~for primary city election,~~ regardless of the number of candidates for the office, and \$5,000 for the general election , ~~for general city election,~~ regardless of the number of candidates for the office, during the period:

(a) Beginning from 30 days before the regular session of the Legislature immediately following the last *general* election for the office and ending 30 days before the regular session of the Legislature immediately following the next *general* election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days ~~before~~ after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 11. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for ~~{state, district, county or township}~~ office at a primary *election* or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:

(a) Each ~~{campaign}~~ contribution in excess of \$100 received during the period;

(b) Contributions received during the period from a contributor which cumulatively exceed \$100; and

(c) The total of all contributions received during the period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b).

↪ The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for ~~{state, district, county or township}~~ office at a primary *election* or general election shall, ~~{if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1,}~~ not later than:

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

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

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

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

↪ report each ~~{campaign}~~ contribution described in subsection 1 received during the period. ~~{The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.}~~

~~3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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

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

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

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

~~↪ report each campaign contribution described in subsection 1 received during the period. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~4.] 3. Except as otherwise provided in [subsection 5,] subsections 4 and 5 and section 5 of this act, every candidate for [a district] office at a special election shall, not later than:~~

~~(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and~~

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

~~↪ report each [campaign] contribution described in subsection 1 received during the period. [The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~5. Every]~~

~~4. Except as otherwise provided in subsection 5 and section 5 of this act, every candidate for [state, district, county, municipal or township] office at a special election to determine whether a public officer will be recalled shall [list each of the campaign contributions received on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and~~

signed by the candidate under an oath to God or penalty of perjury, 30 days after:

~~(a) The special election,~~], not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the ~~[filing of]~~ date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 12 days before the beginning of early voting by personal appearance for the special election; ~~or]~~ and

(b) ~~[A]~~ Thirty days after the special election, for the remaining period through the date of the special election,

→ report each contribution described in subsection 1 received during the period.

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

→ A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.] order, report each contribution described in subsection 1 received during the period.

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

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

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

9. The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

Sec. 12. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120 ~~[.]~~ and 294A.200 , ~~[and 294A.360.]~~ a candidate who receives contributions in any year before the year in which the general election ~~[or general city election]~~ in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which the candidate receives contributions in excess of \$10,000, list:

(1) Each of the contributions received and the expenditures in excess of \$100 made in that year; and

(2) The total of all contributions received and expenditures which are \$100 or less.

(b) Each year after the year in which the candidate received contributions in excess of \$10,000, until the year of the general election ~~for general city election~~ in which the candidate intends to seek election to public office is held, list:

(1) Each of the contributions received and the expenditures in excess of \$100 made in that year; and

(2) The total of all contributions received and expenditures which are \$100 or less.

2. The reports required by subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of \$100 and contributions that a contributor has made cumulatively in excess of that amount.

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

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

Sec. 13. NRS 294A.128 is hereby amended to read as follows:

294A.128 1. In addition to complying with the requirements set forth in NRS 294A.120 ~~and~~ 294A.200 , ~~and 294A.360,~~ a candidate who receives a loan which is guaranteed by a third party, forgiveness of a loan previously made to the candidate or a written commitment for a contribution shall, for the period covered by the report filed pursuant to NRS 294A.120 ~~and~~ or 294A.200 , ~~or 294A.360,~~ report:

(a) If a loan received by the candidate was guaranteed by a third party, the amount of the loan and the name and address of each person who guaranteed the loan;

(b) If a loan received by the candidate was forgiven by the person who made the loan, the amount that was forgiven and the name and address of the person who forgave the loan; and

(c) If the candidate received a written commitment for a contribution, the amount committed to be contributed and the name and address of the person who made the written commitment.

2. The reports required by subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, the reports required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~;~~ or 294A.200 . ~~for 294A.360.~~

Sec. 14. NRS 294A.130 is hereby amended to read as follows:

294A.130 1. Every candidate ~~for state, district, county, city or township office~~ shall, not later than 1 week after receiving minimum ~~campaign~~ contributions of \$100, open and maintain a separate account in a financial institution for the deposit of any ~~campaign~~ contributions received. The candidate shall not commingle the money in the account with money collected for other purposes.

2. The candidate may close the separate account if the candidate:

- (a) Was a candidate in a special election, after that election;
- (b) Lost in the primary election, after the primary election; or
- (c) Won the primary election, after the general election,

↪ and as soon as all payments of money committed have been made.

Sec. 15. NRS 294A.140 is hereby amended to read as follows:

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

(a) *Every person who is not under the direction or control of a candidate for office , ~~at a primary election, primary city election, general election or general city election,~~ of a group of such candidates or of any person involved in the campaign of ~~that~~ a candidate or group and who makes an expenditure ~~on behalf of the~~ for or against a candidate or group which is not solicited ~~or by,~~ approved by ~~the~~ ~~for coordinated with~~ a candidate or group ; ~~;~~ and ~~every~~*

(b) *Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of \$100 or makes an expenditure ~~on behalf of such~~ for or against a candidate for office or a group of such candidates .*

2. *Every person, committee and political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply , ~~to the person, committee or political party,~~ for the period from January 1 of the previous year through December 31 of the previous year, report each ~~campaign~~ contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election ~~for general city election~~ for that office through the year immediately preceding the next general election ~~for general city election~~ for that office.*

~~{2.}~~ 3. Every person, committee or political party described in subsection 1 ~~{which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1,}~~ shall, not later than:

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

(b) Four days before the primary election ~~{or primary city election}~~ for that office, for the period from 24 days before the primary election ~~{or primary city election}~~ through 5 days before the primary election ; ~~{or primary city election;}~~

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

(d) Four days before the general election ~~{or general city election}~~ for that office, for the period from 24 days before the general election ~~{or general city election}~~ through 5 days before the general election , ~~{or general city election;}~~

↪ report each ~~{campaign}~~ contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. ~~{The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.}~~

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of \$100 since the beginning of the current reporting period.~~

~~4. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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

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

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

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

~~→ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~5.] 4. Except as otherwise provided in [subsection] subsections 5 and 6 [;] and section 5 of this act, every person, committee or political party described in subsection 1 which makes an expenditure [on behalf of] for or against a candidate for office at a special election or [on behalf of] for or against a group of such candidates shall, not later than:~~

~~(a) Seven days before the beginning of early voting by personal appearance for the special election, [for the office for which the candidate or a candidate in the group of candidates seeks election,] for the period from the nomination of the candidate through 12 days before the beginning of early voting by personal appearance for the special election; and~~

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

~~→ report each [campaign] contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. [The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~6.—Every]~~



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

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 12 days before the beginning of early voting by personal appearance for the special election; and

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

➤ report each contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

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

~~(b)} 6. If [the special election is not held because] a district court determines that [the] a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and political party described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's [decision.~~

➤ ~~A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.] order, report each contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100.~~

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

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

9. Every person, committee or political party described in ~~[subsection 1]~~ this section shall file a report required by this section even if the person, committee or political party receives no contributions.

10. *The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of \$100 since the beginning of the current reporting period.*

11. *The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*

Sec. 16. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election ~~[, primary city election,]~~ or general election ~~[or general city election]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each ~~[campaign]~~ contribution in excess of \$1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed \$1,000. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ The provisions of this subsection apply to the committee for political action:

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

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

2. ~~[If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection.]~~ A committee for political action described in ~~[this]~~ subsection 1 shall, not later than:

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

(b) Four days before the primary election , ~~{or primary city election,}~~ for the period from 24 days before the primary election ~~{or primary city election}~~ through 5 days before the primary election ; ~~{or primary city election;}~~

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

(d) Four days before the general election , ~~{or general city election,}~~ for the period from 24 days before the general election ~~{or general city election}~~ through 5 days before the general election , ~~{or general city election,}~~

↪ report each ~~{campaign}~~ contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. ~~{The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.}~~

3. ~~The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.~~

4. ~~If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

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

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

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

~~(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election;~~

~~↪ report each campaign contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~5.— Except as otherwise provided in subsection 6, every]~~

~~3. Except as otherwise provided in section 5 of this act, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:~~

~~(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through 12 days before the beginning of early voting by personal appearance for the special election; and~~

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

~~↪ report each [campaign] contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. [The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~6.— Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

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

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~→ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~7.] 4. The provisions of this section apply to a committee for political action even if the question or group of questions on the ballot that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.~~

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

~~8.] 6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~9.] 7. If the committee for political action is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.~~

8. *The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*

Sec. 17. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a ~~campaign~~ contribution for the candidate's personal use.

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use ~~campaign~~ contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of ~~campaign~~ contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~]~~ or 294A.200 . ~~for 294A.360.]~~ A candidate or public officer shall not use ~~campaign~~ contributions to satisfy a civil or criminal penalty imposed by law.

3. Every candidate for ~~[a state, district, county, city or township]~~ office at a primary ~~]~~ election, general ~~[, primary city, general city]~~ election or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary ~~]~~ election, general ~~[, primary city, general city]~~ election or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of

whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Every candidate for ~~[a state, district, county, city or township]~~ office at a primary ~~[ ]~~ election, general ~~[primary city, general city]~~ election or special election who withdraws *pursuant to NRS 293.202 or 293C.195* after filing a declaration of candidacy or an acceptance of candidacy, *is removed from the ballot by court order* or is defeated for *or otherwise not elected to* that office and who received contributions that were not spent or committed for expenditure before the primary ~~[ ]~~ election, general ~~[primary city, general city]~~ election or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for ~~[a state, district, county, city or township]~~ office who withdraws after filing a declaration of candidacy or an acceptance of candidacy, *is removed from the ballot by court order before the general election* or is defeated for that office at a primary ~~[or primary city]~~ election and *who* received a contribution from a person in excess of \$5,000 shall, not later than the 15th day of the second month after the election, return any money in excess of \$5,000 to the contributor.

6. Except as otherwise provided in ~~[subsection]~~ subsections 7 ~~[ ]~~ and 8, every public officer who:

(a) ~~[Holds a state, district, county, city or township office;~~

~~[b)]~~ Does not run for reelection to ~~[that]~~ the office *which he or she holds* and is not a candidate for any other office; and

~~{(e)}~~ (b) Has contributions that are not spent or committed for expenditure remaining from a previous election,

↪ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection ~~{3-}~~ 4.

7. A public officer who:

(a) Resigns from his or her office;

(b) Is not a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

↪ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.

8. A public officer who:

(a) ~~{Holds a state, district, county, city or township office;~~

~~{b)}~~ Does not run for reelection to ~~{that}~~ the office which he or she holds and is a candidate for any other office; and

~~{(e)}~~ (b) Has contributions that are not spent or committed for expenditure remaining from a previous election,

↪ may use the unspent ~~{campaign}~~ contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 ~~{, 294A.360}~~ and 294A.362 for as long as the public officer is a candidate for any office.

~~{8-}~~ 9. In addition to the methods for disposing the unspent money set forth in subsections 3, 4, 5 ~~{and 7-}~~, 7 and 8, a Legislator may donate not more than \$500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

~~{9-}~~ 10. Any contributions received before a candidate for ~~{a state, district, county, city or township}~~ office at a primary ~~{-}~~ election, general ~~{, primary city, general city}~~ election or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection ~~{3-}~~ 4.

~~{10-}~~ 11. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~{11-}~~ 12. As used in this section, "contributions" include any interest and other income earned thereon.

Sec. 18. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for ~~{state, district, county or township}~~ office at a primary election or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:

(a) Each of the campaign expenses in excess of \$100 incurred during the period;

(b) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 during the period;

(c) The total of all campaign expenses incurred during the period which are \$100 or less; and

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 which are \$100 or less.  ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.]~~

2. The provisions of subsection 1 apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.

3. Every candidate for ~~[state, district, county or township]~~ office at a primary *election* or general election shall, ~~[if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1,]~~ not later than:

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

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

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

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

~~report each of the campaign expenses described in subsection 1 incurred during the period. [on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.]~~

~~4. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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



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

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

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

~~→ report each of the campaign expenses described in subsection 1 incurred during the period on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~5.] 4. Except as otherwise provided in [subsection 6,] subsections 5 and 6 and section 5 of this act, every candidate for [a district] office at a special election shall, not later than:~~

~~(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and~~

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

~~→ report each of the campaign expenses described in subsection 1 incurred during the period . [on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~6.—Every]~~

~~5. Except as otherwise provided in subsection 6 and section 5 of this act, every candidate for [state, district, county, municipal or township] office at a special election to determine whether a public officer will be recalled shall [report each of the campaign expenses described in subsection 1 incurred on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The], not later than:~~

~~(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the [filing of] date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 12 days before the beginning of early voting by personal appearance for the special election; [or] and~~

(b) ~~[[If]]~~ *Thirty days after the special election ~~[is not held because]~~, for the remaining period through the date of the special election,*  
 ↪ *report each of the campaign expenses described in subsection 1 incurred during the period.*

6. *If a district court determines that ~~[the]~~ a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~[decision].~~*  
 ↪ *A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of ~~[perjury.]~~ order, report each of the campaign expenses described in subsection 1 during the period.*

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

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

9. *The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.*

Sec. 19. NRS 294A.210 is hereby amended to read as follows:

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

(a) Every person who is not under the direction or control of a candidate for ~~[an]~~ office, ~~[at a primary election, primary city election, general election or general city election,]~~ of a group of such candidates or of any person involved in the campaign of ~~[that]~~ a candidate or group and who makes an expenditure ~~[on behalf of the]~~ for or against a candidate or group which is not solicited or ~~[by]~~ approved by ~~[the]~~ ~~[for coordinated with]~~ a candidate or group ~~[, and every]~~; and

(b) Every committee for political action, political party or committee sponsored by a political party which receives contributions in excess of \$100 or makes an expenditure ~~[on behalf of such]~~ for or against a candidate for office or a group of such candidates.

2. *Every person, committee or political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period ~~[on behalf of the candidate, the group of candidates or a candidate in the group of candidates]~~ in excess of \$100 ~~[on the form designed and made available by the Secretary~~*

of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.] and expenditures made during the period to one recipient which cumulatively exceed \$100. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election ~~for general city election~~ for that office through the year immediately preceding the next general election ~~for general city election~~ for that office.

~~{2.}~~ 3. Every person, committee or political party described in subsection 1 ~~[which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1,]~~ shall, not later than:

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

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

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

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

↪ report each expenditure *in excess of \$100* made during the period ~~for~~ behalf of the candidate, the group of candidates or a candidate in the group of candidates ~~in excess of~~ and expenditures made during the period to one recipient which cumulatively exceed \$100 . ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

3.— Every person, committee or political party described in subsection 1 ~~which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general~~

city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

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

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

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

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

~~→ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of \$100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~

4. Except as otherwise provided in ~~[subsection]~~ *subsections 5 [ ] and 6 and section 5 of this act*, every person, committee or political party described in subsection 1 which makes an expenditure ~~[on behalf of]~~ *for or against* a candidate for office at a special election or ~~[on behalf of]~~ *for or against* a group of such candidates shall, not later than:

(a) ~~Seven days before the beginning of early voting by personal appearance for the special [election for the office for which the candidate or a candidate in the group of candidates seeks] election, for the period from the nomination of the candidate through 12 days before the beginning of early voting by personal appearance for the special election; and~~

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

~~→ report each expenditure in excess of \$100 made during the period [on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of \$100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form~~

~~under penalty of perjury.] and expenditures made during the period to one recipient which cumulatively exceed \$100.~~

5. ~~Every]~~ Except as otherwise provided in subsection 6 and section 5 of this act, every person, committee or political party described in subsection 1 which makes an expenditure ~~[on behalf of]~~ for or against a candidate for office at a special election to determine whether a public officer will be recalled or ~~[on behalf of]~~ for or against a group of such candidates shall ~~[list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of \$100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The], not later than:~~

~~(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the [filing of] date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 12 days before the beginning of early voting by personal appearance for the special election; [or] and~~

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

~~→ report each expenditure in excess of \$100 made during the period and expenditures made during the period to one recipient which cumulatively exceed \$100.~~

6. If ~~[the special election is not held because]~~ a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and political party described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~[decision].~~

~~→ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~6.] order, report each expenditure in excess of \$100 made during the period and expenditures made during the period to one recipient which cumulatively exceed \$100.~~

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

~~[7.]~~ 8. Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

~~{8.}~~ 9. If an expenditure is made ~~for or against~~ ~~for or against~~ a group of candidates, the reports must be itemized by the candidate.

~~{9.}~~ 10. A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

11. *The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*

Sec. 20. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election ~~[, primary city election,]~~ or general election ~~for general city election]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period ~~for or against~~ ~~for or against~~ the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 ~~for the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ and such expenditures made during the period to one recipient that cumulatively exceed \$1,000. The provisions of this subsection apply to the committee for political action:

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

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

2. ~~{If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection.}~~ A committee for political action described in ~~the~~ subsection 1 shall, not later than:

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

(b) Four days before the primary election , ~~{or primary city election,}~~ for the period from 24 days before the primary election ~~{or primary city election}~~ through 5 days before the primary election ; ~~{or primary city election;}~~

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

(d) Four days before the general election , ~~{or general city election,}~~ for the period from 24 days before the general election ~~{or general city election}~~ through 5 days before the general election , ~~{or general city election;}~~

↪ report each expenditure made during the period ~~{on behalf of}~~ *for* or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 ~~{on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.}~~

3. ~~If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

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

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

~~(c) Twenty-one days before the general election or general city election, for the period from 4 days before the primary election or primary city~~

election through 25 days before the general election or general city election; and

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

~~→ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every] and such expenditures made during the period to one recipient that cumulatively exceed \$1,000.~~

3. *Except as otherwise provided in section 5 of this act, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:*

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the date the question qualified for the ballot through 12 days before the beginning of early voting by personal appearance for the special election; and

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

~~→ report each expenditure made during the period [on behalf of] for or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 [on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~5. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

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

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of~~



NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

↪ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.] and such expenditures made during the period to one recipient that cumulatively exceed \$1,000.

~~6.]~~ 4. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

~~7.]~~ 5. *The provisions of this section apply to a committee for political action even if the question or group of questions on the ballot that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.*

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

~~8.]~~ 7. If an expenditure is made ~~on behalf of~~ for or against a group of questions, the reports must be itemized by question or petition.

~~9.]~~ 8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

9. *The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*

Sec. 21. NRS 294A.225 is hereby amended to read as follows:

294A.225 1. A nonprofit corporation shall, before it engages in any of the following activities in this State, submit the names, addresses and telephone numbers of its officers to the Secretary of State:

- (a) Soliciting or receiving contributions from any other person, group or entity;
- (b) Making contributions to candidates or other persons; or
- (c) Making expenditures,

↪ designed to affect the outcome of any primary ~~[,]~~ election, general election or special election or question on the ballot.

2. The Secretary of State shall include on the Secretary of State's Internet website the information submitted pursuant to subsection 1.

Sec. 22. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in ~~subsection 3,]~~ subsections 3 and 4, each committee for the recall of a public officer shall, not later than:

- (a) Seven days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period

from the ~~[filing of]~~ date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015, through 12 days before the beginning of early voting by personal appearance for the special election; and

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

↪ report each contribution received or made by the committee for the recall of a public officer during the period in excess of \$100 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.

2. If a petition for the ~~[purpose of recalling]~~ recall of a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee ~~[.]~~ for the recall of a public officer, and each contribution made by the committee for the recall of a public officer in excess of \$100 ~~[.]~~ and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.

3. If a district court ~~[does not order a special election]~~ determines that the petition for the recall of the public officer ~~[.]~~ is legally insufficient pursuant to subsection 6 of NRS 306.040, the committee for the recall of a public officer shall, not later than 30 days after the district court ~~[determines that an election will not be held,]~~ orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the day of the ~~[court determines that an election will not be held,]~~ district court's order, report each contribution received or made by the committee ~~[, and each contribution made by the committee]~~ for the recall of a public officer in excess of \$100 ~~[.]~~ and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.

4. If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

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

(c) The 15th day of the second month after the special election, for the remaining period through the date of the special election,

↪ *report each contribution received or made by the committee for the recall of a public officer in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.*

5. Except as otherwise provided in NRS 294A.3737, each report of contributions must be filed electronically with the Secretary of State.

~~{5.}~~ 6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~{6.}~~ 7. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation, in excess of \$100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.

8. *The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for the recall of a public officer under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*

Sec. 23. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in ~~[subsection 3,]~~ *subsections 3 and 4*, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the ~~[filing of]~~ *date* the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 12 days before the beginning of early voting by personal appearance for the special election; and

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

↪ *report each expenditure made by the committee for the recall of a public officer during the period in excess of \$100 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ and expenditures made to one recipient which cumulatively exceed \$100.*

2. If a petition for the ~~[purpose of recalling]~~ *recall* of a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee *for the recall of a public officer* in excess of \$100 ~~[.]~~ *and expenditures made to one recipient which cumulatively exceed \$100.*

3. If a *district court* ~~[does not order a special election]~~ *determines that a petition for the recall of the public officer* ~~[ ]~~ *is legally insufficient pursuant to subsection 6 of NRS 306.040, the committee for the recall of a public officer shall, not later than 30 days after the district court* ~~[determines that an election will not be held,]~~ *orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the day of the* ~~[court determines that an election will not be held,]~~ *district court's order, report each expenditure made by the committee for the recall of a public officer in excess of \$100* ~~[ ]~~ *and expenditures made to one recipient which cumulatively exceed \$100.*

4. *If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:*

*(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;*

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

*(c) The 15th day of the second month after the special election, for the remaining period through the date of the special election,*  
 ↪ *report each expenditure made by the committee for the recall of a public officer in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100.*

5. Except as otherwise provided in NRS 294A.3737, each report of expenditures must be filed electronically with the Secretary of State.

~~[5.]~~ 6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. *The name and address of the recipient and the date on which the expenditure was made must be included on the report for each expenditure, whether to a natural person, association or corporation.*

8. *The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for the recall of a public officer under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*

Sec. 24. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. Any candidate or public officer may establish a legal defense fund. A person who administers a legal defense fund shall:

*(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and*

(b) For the same period covered by the report filed pursuant to NRS 294A.120 ~~[ ]~~ or 294A.200 , ~~[or 294A.360.]~~ report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, the reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~[ ]~~ or 294A.200 . ~~[or 294A.360.]~~

4. Not later than the 15th day of the second month after the conclusion of all civil, criminal or administrative claims or proceedings for which a candidate or public officer established a legal defense fund, the candidate or public officer shall dispose of unspent money through one or any combination of the following methods:

- (a) Return the unspent money to contributors; or
- (b) Donate the money to any tax-exempt nonprofit entity.

Sec. 25. NRS 294A.325 is hereby amended to read as follows:

294A.325 1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:

- (a) A candidate;
- (b) A committee for political action;
- (c) A committee for the recall of a public officer;
- (d) A person who is not under the direction or control of a candidate, of a group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure that is not solicited or ~~by~~ approved by ~~for coordinated with~~ the candidate or group;
- (e) A political party or committee sponsored by a political party that makes an expenditure ~~on behalf of~~ *for or against* a candidate or group of candidates;

(f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;

(g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate; or

(h) A nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225.

2. Except as otherwise provided in subsection 3, a candidate, person, group, committee, political party, organization or nonprofit corporation described in subsection 1 shall not knowingly solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.

3. For the purposes of subsection 2, if a candidate, person, group, committee, political party, organization or nonprofit corporation is aware of facts that would lead a reasonable person to inquire whether the source of a contribution is a foreign national, the candidate, person, group, committee, political party, organization or nonprofit corporation shall be deemed to have not knowingly solicited, accepted or received a contribution in violation of subsection 2 if the candidate, person, group, committee, political party, organization or nonprofit corporation requests and obtains from the source of the contribution a copy of current and valid United States passport papers. This subsection does not apply to any candidate, person, group, committee, political party, organization or nonprofit corporation if the candidate, person, group, committee, political party, organization or nonprofit corporation has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national.

4. If a candidate, person, group, committee, political party, organization or nonprofit corporation discovers that the candidate, person, group, committee, political party, organization or nonprofit corporation received a contribution in violation of this section, the candidate, person, group, committee, political party, organization or nonprofit corporation shall, if at the time of discovery of the violation:

(a) Sufficient money received as contributions is available, return the contribution received in violation of this section not later than 30 days after such discovery.

(b) Except as otherwise provided in paragraph (c), sufficient money received as contributions is not available, return the contribution received in violation of this section as contributions become available for this purpose.

(c) Sufficient money received as contributions is not available and contributions are no longer being solicited or accepted, not be required to return any amount of the contribution received in violation of this section that exceeds the amount of contributions available for this purpose.

5. A violation of any provision of this section is a gross misdemeanor.

6. As used in this section:

(a) "Foreign national" has the meaning ascribed to it in 2 U.S.C. § 441e.

(b) "Knowingly" means that a candidate, person, group, committee, political party, organization or nonprofit corporation:

(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;

(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or

(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.

Sec. 26. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election ~~[, general city election]~~ or special election or 30 days before a primary election ; ~~[or primary city election;]~~

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate or a person, *political* party or committee for political action,

↪ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, *political* party or committee for political action providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election ~~[, general city election]~~ or special election or 30 days before a primary election ; ~~[or primary city election;]~~ and

(b) Contains the name of the candidate,

↪ shall be deemed to comply with the provisions of this section.

3. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 27. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. ~~[Every]~~ *Except as otherwise provided in subsection 2, every candidate for [state, district, county, municipal or township] office shall file the reports [of campaign contributions and expenses] required by NRS 294A.120, 294A.125, 294A.128, 294A.200 and [294A.360 and reports of contributions received by and expenditures made from a legal defense fund required by NRS] 294A.286, even though the candidate:*

(a) Withdraws his or her candidacy ~~[;]~~ *pursuant to NRS 293.202 or 293C.195;*

(b) *Ends his or her campaign without withdrawing his or her candidacy pursuant to NRS 293.202 or 293C.195;*

(c) Receives no ~~[campaign]~~ contributions;

~~[(e)]~~ (d) Has no campaign expenses;

~~[(d)]~~ (e) *Is not opposed in the election by another candidate;*

(f) *Is defeated in the primary election;*

(g) Is removed from the ballot by court order; or

~~[(e)]~~ (h) Is the subject of a petition to recall and the special election is not held.

2. ~~[A]~~ *Except as otherwise provided in subsection 3, a candidate [who withdraws his or her candidacy pursuant to NRS 293.202 may file] described in paragraph (a), (b), (f) or (g) of subsection 1 may simultaneously file all the reports [of campaign contributions and expenses] required by NRS 294A.120, 294A.125, 294A.128, 294A.200 and [294A.360 and the report of contributions received by and expenditures made from a legal*

~~defense fund required by NRS 294A.286 [; so long as each report is filed on or before the last day for filing the respective report pursuant to NRS 294A.120, 294A.200 or 294A.360.] that are due after the candidate disposes of any unspent or excess contributions as provided in subsections 4 and 5 of NRS 294A.160, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any additional contributions. If the candidate has submitted a withdrawal of candidacy pursuant to NRS 293.202 or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

3. *This section does not exempt a person whose name appears on the ballot and who is elected to office from any reporting requirement of this chapter.*

Sec. 28. NRS 294A.362 is hereby amended to read as follows:

294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[;]~~ and 294A.200, ~~[and 294A.360,]~~ each candidate who is required to file a report ~~[of campaign contributions and expenses]~~ pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[;]~~ or 294A.200 ~~[or 294A.360]~~ shall report on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form:

(a) Each such ~~[campaign]~~ contribution in excess of \$100 received during the reporting period;

(b) Each such ~~[campaign]~~ contribution from a contributor received during the reporting period which cumulatively exceeds \$100;

(c) Each such *campaign* expense in excess of \$100 incurred during the reporting period;

(d) The total of all such ~~[campaign]~~ contributions received during the reporting period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(e) The total of all such *campaign* expenses incurred during the reporting period which are \$100 or less.

2. The Secretary of State ~~[and each city clerk]~~ shall not require a candidate to list the ~~[campaign]~~ contributions and *campaign* expenses described in this section on any form other than the form designed and made available by the Secretary of State pursuant to NRS 294A.373.

3. Except as otherwise provided in NRS 294A.3733, the report required by subsection 1 must be filed in the same manner and at the same time as the



report filed pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[ ]~~ or 294A.200 ~~. [or 294A.360.]~~

Sec. 29. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report ~~[of expenditures]~~ required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of \$100 or \$1,000, as is appropriate, that was made during the periods for reporting. Each report ~~[of expenses]~~ required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each *campaign* expense in excess of \$100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the *campaign* expense or expenditure and the date on which the *campaign* expense was incurred or the expenditure was made.

2. The categories of *campaign* expense or expenditure for use on the report of *campaign* expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Expenses related to a legal defense fund;
- (j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;
- (k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250; and
- (l) Other miscellaneous expenses.

3. Each report of *campaign* expenses or expenditures described in subsection 1 must list the disposition of any unspent ~~[campaign]~~ contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection 4 of NRS 294A.286 ~~[ ]~~, *as applicable*.

Sec. 30. NRS 294A.370 is hereby amended to read as follows:

294A.370 1. A newspaper, radio broadcasting station, outdoor advertising company, television broadcasting station, direct mail advertising company, printer or other person or group of persons which accepts, broadcasts, disseminates, prints or publishes:

- (a) Advertising ~~[on behalf of]~~ *for or against* any candidate or a group of *such* candidates;
- (b) Political advertising for any person other than a candidate; or
- (c) Advertising for the passage or defeat of a question or group of questions on the ballot,

↪ shall, during the period beginning at least 10 days before each primary election ~~[, primary city election,]~~ or general election ~~[or general city election]~~ and ending at least 30 days after the election, make available for inspection information setting forth the cost of all such advertisements accepted and broadcast, disseminated or published. The person or entity shall make the information available at any reasonable time and not later than 3 days after it has received a request for such information.

2. For purposes of this section, the necessary cost information is made available if a copy of each bill, receipt or other evidence of payment made out for any such advertising is kept in a record or file, separate from the other business records of the enterprise and arranged alphabetically by name of the candidate or the person or group which requested the advertisement, at the principal place of business of the enterprise.

Sec. 31. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design forms to be used for all reports ~~[of campaign contributions and expenses or expenditures]~~ that are required to be filed pursuant to ~~[NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.]~~ *this chapter.*

2. The forms designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. The Secretary of State shall make available to each candidate, person, committee ~~for~~ and political party that is required to file a report ~~[described in subsection 1.]~~ *pursuant to this chapter:*

(a) If the candidate, person, committee or political party has submitted an affidavit to the Secretary of State pursuant to NRS 294A.3733 or 294A.3737, as applicable, a copy of the form; or

(b) If the candidate, person, committee or political party is required to submit the report electronically to the Secretary of State, access through a secure website to the form.

4. If the candidate, person, committee or political party is required to submit electronically a report described in subsection 1, the form must be signed electronically under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

5. The Secretary of State must obtain the advice and consent of the Legislative Commission before making a copy of, or access to, a form designed or revised by the Secretary of State pursuant to this section available to a candidate, person, committee or political party.

Sec. 32. NRS 294A.3733 is hereby amended to read as follows:

294A.3733 1. A candidate who is required to file a report ~~[described in subsection 1 of NRS 294A.373]~~ *pursuant to this chapter* is not required to file the report electronically if the candidate:

(a) Did not receive or expend money in excess of \$10,000 after becoming a candidate pursuant to NRS 294A.005; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The candidate does not own or have the ability to access the technology necessary to file electronically the report ; ~~[described in subsection 1 of NRS 294A.373;]~~ and

(2) The candidate does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report . ~~[described in subsection 1 of NRS 294A.373.]~~

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A candidate who signs the affidavit under an oath to God is subject to the same penalties as if the candidate had signed the affidavit under penalty of perjury.

(b) Filed not later than 15 days before the candidate is required to file a report ~~[described in subsection 1 of NRS 294A.373.]~~ pursuant to this chapter.

3. A candidate who is not required to file the report electronically may file the report by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 33. NRS 294A.3737 is hereby amended to read as follows:

294A.3737 1. A person, committee or political party that is required to file a report ~~[described in subsection 1 of NRS 294A.373]~~ pursuant to this chapter is not required to file the report electronically if the person, committee or political party:

(a) Did not receive or expend money in excess of \$10,000 in the previous calendar year; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The person, committee or political party does not own or have the ability to access the technology necessary to file electronically the report ; ~~[described in subsection 1 of NRS 294A.373;]~~ and

(2) The person, committee or political party does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report . ~~[described in subsection 1 of NRS 294A.373.]~~

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A person who signs the affidavit under an oath to God is subject to the same penalties as if the person had signed the affidavit under penalty of perjury.

(b) Filed:

(1) At least 15 days before any report ~~described in subsection 1 of NRS 294A.373~~ is required to be filed *pursuant to this chapter* by the person, committee or political party.

(2) Not earlier than January 1 and not later than January 15 of each year, regardless of whether or not the person, committee or political party was required to file any report ~~described in subsection 1 of NRS 294A.373~~ *pursuant to this chapter* in the previous year.

3. A person, committee or political party that has properly filed the affidavit pursuant to this section may file the relevant report with the Secretary of State by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 34. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;
2. An acceptance of candidacy;
3. The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or
4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

↪ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 ~~[,]~~ or 294A.280 ~~[or 294A.360]~~ relating to the making, accepting or reporting of ~~campaign~~ contributions, *campaign* expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 35. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.286 ~~[, 294A.360]~~ and 294A.362, prepare and make available for public inspection a compilation of:

1. The total ~~campaign~~ contributions, the contributions which are in excess of \$100 and the total campaign expenses of each of the candidates

from whom reports of those contributions and *campaign* expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of \$100.

4. The expenditures exceeding \$100 made by a:

- (a) Person ~~for or against~~ *for or against* a candidate other than the person.
- (b) Group of persons advocating the election or defeat of a candidate.
- (c) Committee for the recall of a public officer.

5. The contributions in excess of \$100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of ~~the~~ *a* candidate or group who makes an expenditure ~~for or against~~ *for or against* a candidate or group which is not solicited ~~or approved~~ *or approved* by ~~the~~ *for coordinated with* a candidate or group.

(b) A committee for political action, political party or committee sponsored by a political party which makes an expenditure ~~for or against~~ *for or against* a candidate or group of candidates.

6. The total contributions received by and expenditures made from a legal defense fund.

Sec. 36. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. If it appears that the provisions of this chapter have been violated, the Secretary of State may:

(a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or

(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.

2. A person who believes that any provision of this chapter has been violated may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include:

- (a) The full name and address of the person alleging the violation;
- (b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;
- (c) Any evidence substantiating the alleged violation;
- (d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and
- (e) Any other information in support of the alleged violation.

3. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 2, the Secretary of State shall provide a copy of the

notice and any accompanying information to the person, if any, alleged in the notice to have committed the violation. Any response submitted to the notice must be accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.

4. If the Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 2, that reasonable suspicion exists that a violation of this chapter has occurred, the Secretary of State may conduct an investigation of the alleged violation.

5. If a notice of an alleged violation is received pursuant to subsection 2 not later than 180 days after the general election [~~general city election~~] or special election for the office or ballot question to which the notice pertains, the Secretary of State, when conducting an investigation of the alleged violation pursuant to subsection 4, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:

- (a) Any person alleged in the notice to have committed the violation; or
- (b) If the notice does not include the name of a person alleged to have committed the violation, any person who the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause to believe produced or disseminated the materials that are the subject of the notice.

6. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 5, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:

- (a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or
- (b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.

Sec. 37. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a *candidate*, person, committee or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 [~~]~~ or 294A.286 [~~or 294A.360~~] has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that *candidate*, person, committee or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a *candidate*, person, committee or entity that violates an applicable provision of this chapter is subject to a civil penalty of not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a *candidate*, person, committee or entity has reported its contributions, *campaign* expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

↪ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of \$100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

5. *The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.*

Sec. 38. NRS 294A.360 is hereby repealed.

Sec. 39. This act becomes effective on July 1, 2013.

#### TEXT OF REPEALED SECTION

294A.360 Time when candidate for city office must file reports.

1. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from

January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286.

2. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

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

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

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

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

3. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

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

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

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

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



4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

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

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

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

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Senator Spearman moved the adoption of the amendment.

Remarks by Senators Spearman, Kieckhefer and Settelmeyer.

SENATOR SPEARMAN:

Thank you, Mr. President. Assembly Bill No. 35 relates to elections. Amendment No. 830 to Assembly Bill No. 35 strikes new language that sets out the circumstances that will not be considered coordinated expenditures with a candidate or group of candidates. It also makes changes throughout the bill to reflect this change.

SENATOR KIECKHEFER:

Thank you, Mr. President. From what I can tell, Section 4.5 of the bill, which is being struck under the amendment, is an effort to put some sort of clarity into what constitutes coordinating campaign events and campaign activities. I know there has been a certain amount of "muddiness" over what constitutes coordination and campaign activities. I think this was the attempt by the Attorney General to put some clarity into this statute. I believe there was some agreement in the Assembly to include this language in order to ensure that clarity. I am curious as to the reason for the removal of that section, and whether or not there is something put back into the language in statute, that offers both our Secretary of State, us,—as candidates,—and the Attorney General, any guidance over what constitutes coordination.

SENATOR SPEARMAN:

Thank you, Mr. President. I have spoken with the Attorney General's Office, and they are perfectly fine with Amendment No. 830 to Assembly Bill No. 35. My colleague indicated a section was put in for clarity. However, it did more to "muddy the waters" than it did to clarify.

SENATOR KIECKHEFER:

Thank you, Mr. President. I would respectfully disagree that no definition is not more clear than having a definition.

SENATOR SETTELMAYER:

Thank you, Mr. President. I rise in opposition to Amendment No. 830 to Assembly Bill No. 35. I am a man of my word. I will stand by the amendment we passed out of Committee. I do not support this amendment because it takes away the clarity the definitions provided.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 6:16 p.m.

#### SENATE IN SESSION

At 6:31 p.m.

President Krolicki presiding.

Quorum present.

Senator Smith moved that Assembly Bill No. 35 be taken from the General File and placed on the General File for the next legislative day.  
Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 212.

Bill read third time.

Remarks by Senator Segerblom.

Thank you, Mr. President. Assembly Bill No. 212 makes it illegal to use a cell phone when you are in prison.

Roll call on Assembly Bill No. 212:

YEAS—21.

NAYS—None.

Assembly Bill No. 212 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 218.

Bill read third time.

Remarks by Senators Parks and Goicoechea.

#### SENATOR PARKS:

Thank you, Mr. President. Assembly Bill No. 218 defines “*bona fide* fringe benefit” for the purposes of State laws applicable to public works as a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program: (1) which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and (2) for which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program. The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement and included in the determination of the prevailing wage by the Labor Commissioner.

A contractor or subcontractor engaged on a public work may discharge any part of his or her obligation to pay prevailing wages to a worker by providing *bona fide* fringe benefits in the name of the worker if certain conditions are met. One of those conditions is that the *bona fide* fringe benefits are paid equally for all hours worked in a calendar year by the worker for the contractor or subcontractor. The Labor Commission must, after providing notice and an opportunity for a hearing: (1) impose an administrative penalty against a contractor or subcontractor who fails to provide *bona fide* fringe benefits to a worker in a manner or an amount required by law; (2) require the contractor or subcontractor to make the affected worker whole by paying to the worker as wages any amounts disallowed as *bona fide* fringe benefits;

(3) report the violation to the Attorney General; and (4) notify certain governmental and other entities of the violation. This measure is effective on July 1, 2013.

SENATOR GOICOECHEA:

Thank you, Mr. President. I appreciate that there was a lot of work done on Assembly Bill No. 218. However, I have one major issue with it. The bill treats union and non-union contractors differently, even on the same job. If they have bargained for and their benefits are in a collectively bargained account, it is not annualized as it would be for anyone else in the private sector. That concerns me. I do not like the separation between union and non-union on a public works job. I will be opposing the measure.

Roll call on Assembly Bill No. 218:

YEAS—11.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—10.

Assembly Bill No. 218 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 225.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Assembly Bill No. 225 revises the definition of “business broker” to expand its application to acts that are performed as part of a transaction, proposed transaction or prospective transaction involving an interest or estate in real property, whether or not the person performing the transaction is acting as a real estate licensee.

Roll call on Assembly Bill No. 225:

YEAS—21.

NAYS—None.

Assembly Bill No. 225 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 284.

Bill read third time.

Remarks by Senator Hutchison.

Thank you, Mr. President. Assembly Bill No. 284 is an important bill for victims of domestic violence. The bill allows for the early termination of a rental agreement if a tenant, cotenant or household member is a victim of domestic violence. It is intended to help domestic violence victims find a safe place to live and avoid a dangerous situation. Under the bill, the law will: (1) establish notice requirements for an early termination; (2) establish provisions concerning liability for unpaid rental amounts; (3) require a landlord to install a new lock onto the dwelling of a victim of domestic violence under certain circumstances; and (4) establish disclosure limitations to a prospective landlord of an early termination. The measure establishes the form in which an affidavit submitted by a tenant or cotenant in support of a notice to terminate a rental agreement must be made.

Further, the measure prohibits a landlord from taking retaliatory action against a tenant who terminates an agreement because he or she is a victim of domestic violence. This is an important protection for victims of domestic violence. It will send a strong statement from this Body that we stand up for those who are victims of this criminal and cowardly act. It was unanimously passed out of the Senate Committee on Commerce, Labor and Energy. I ask for your support.

Roll call on Assembly Bill No. 284:

YEAS—21.

NAYS—None.

Assembly Bill No. 284 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 286.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Assembly Bill No. 286 requires a host organization or sponsor of a special event, in a county whose population is 100,000 or more, currently Clark and Washoe Counties, with more than 2,500 persons but less than 50,000 persons in attendance or observation to provide certain medical personnel and emergency medical services under certain circumstances. In all counties where a special event is projected to be attended by 50,000 or more persons, the host organization or sponsor of a special event is required to provide a first aid station, a dedicated advanced life support ambulance and certain medical personnel onsite if certain factors apply. The required number of first aid stations, dedicated advanced life support ambulances, and medical personnel, including skill level, varies upon the number of persons projected to attend or observe the special event along with certain other factors.

Roll call on Assembly Bill No. 286:

YEAS—21.

NAYS—None.

Assembly Bill No. 286 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 363.

Bill read third time.

Remarks by Senator Manendo.

Thank you, Mr. President. Assembly Bill No. 363 adds litter, garbage, abandoned or junk vehicles and junk appliances to the list of debris and rubbish that constitutes a public nuisance for the purposes of an ordinance adopted by a Board of County Commissioners.

Roll call on Assembly Bill No. 363:

YEAS—21.

NAYS—None.

Assembly Bill No. 363 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 377.

Bill read third time.

The following amendment was proposed by Senator Segerblom:

Amendment No. 828.

"SUMMARY—Revises provisions governing the crime of sexual conduct between certain school employees or volunteers at a school and pupils. (BDR 15-514)"

"AN ACT relating to crimes; revising the provisions governing the crime of sexual conduct between certain school employees or volunteers at a school and a pupil; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits a person who is employed in a position of authority or who volunteers in a position of authority at a public or private school from engaging in sexual conduct with a pupil who is enrolled in or attending the public school or private school at which the person is employed or volunteering. (NRS 201.540) This bill expands this provision by prohibiting a person who is or was employed in a position of authority or who volunteers or volunteered in a position of authority at a public school or private school from engaging in sexual conduct with a pupil :(1) who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or (2) with whom the person has had contact in the course of performing his or her duties as an employee or volunteer.

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

Section 1. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection 4, a person who:

(a) Is 21 years of age or older;

(b) Is *or was* employed in a position of authority by a public school or private school or *is or was* volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil who ~~is~~

~~(1) Who~~ is 16 or 17 years of age ~~and~~ ~~with whom~~;

(1) Who is or was enrolled in or attending the public school or private school at which

~~is~~ ~~(2) With whom~~ the person is or was employed or volunteering ~~with whom~~; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

↪ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in subsection 4, a person who:

(a) Is 21 years of age or older;

(b) Is *or was* employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil who ~~is~~

~~(1) Who~~ is 14 or 15 years of age ~~and~~ ~~with whom~~;

(1) Who is or was enrolled in or attending the public school or private school at which

~~is~~ ~~(2) With whom~~ the person is or was employed or volunteering ~~with whom~~; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

↪ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

3. For the purposes of subsections 1 and 2, a person shall be deemed to be *or have been* employed in a position of authority by a public school or private school or deemed to be *or have been* volunteering in a position of authority at a public or private school if the person is *or was* employed or volunteering as:

(a) A teacher or instructor;

(b) An administrator;

(c) A head or assistant coach; or

(d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.

4. The provisions of this section do not apply to a person who is married to the pupil.

Sec. 2. This act becomes effective on July 1, 2013.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senators Segerblom and Cegavske.

SENATOR SEGERBLOM:

Thank you, Mr. President. Amendment No. 828 to Assembly Bill No. 377 addresses a technical error in the bill by providing clarity that if a teacher and a student from the same school have sex the teacher would be violating the law. A special relationship does not need to be shown. They just have to be from the same school.

SENATOR CEGAVSKE:

Thank you, Mr. President. Am I to understand that the bill only applies to those who are at the same school?

SENATOR SEGERBLOM:

Thank you, Mr. President. Assembly Bill No. 377 says that teacher-student sex is illegal. Amendment No. 828 makes it clear that if the teacher and student are from the same school, they do not have to demonstrate a special relationship. If they are from different schools, it has to be demonstrated that the teacher and student knew each other—a special relationship. The amendment clarifies that a teacher and student from the same school who have sex, regardless of circumstances, it is illegal.

Amendment adopted.

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

Assembly Bill No. 391.

Bill read third time.

Remarks by Senators Woodhouse, Settlemeyer, Atkinson, Jones and Parks.

SENATOR WOODHOUSE:

Thank you, Mr. President. Assembly Bill No. 391 revises provisions relating to the installation of certain renewable energy systems on property owned or occupied by a public body to ensure competitive bidding requirements are followed. The measure requires a contractor or a subcontractor who enters into a contract under the Green Jobs Initiative to provide written certification to the Labor Commissioner that prevailing wages are paid as

required. The bill also specifies that a cooperative association, nonprofit corporation or association, any other utility or any entity controlled by such an organization, is subject to the full jurisdiction, control and regulation of the Public Utilities Commission of Nevada if it: (1) operates without a certificate of public convenience and necessity; (2) supplies energy services to persons other than its own members; (3) offers energy services outside its service territory; (4) qualifies as a utility outside the service territory; or (5) has violated any other provision related to its certificate of public convenience and necessity. This bill is effective on October 1, 2013.

SENATOR SETTELMEYER:

Thank you, Mr. President. I rise in opposition to Assembly Bill No. 391. I understand the concerns that were expressed in Committee. I understand that there is probably one bad actor out there. I worry this bill goes too far. The Public Utilities Commission of Nevada already has discretion to open a docket. They can investigate, and they can issue a cease-and-desist order. They can levy fines and take any other action that is within their purview. I think that is enough to address this issue.

SENATOR ATKINSON:

Thank you, Mr. President. I respectfully disagree with my colleague from Senate District No. 17 with respect to the Public Utilities Commission of Nevada's oversight on this measure. If we recall from Committee, the Public Utilities Commission of Nevada, themselves, said in order to do something like this, they would need additional language from the Legislature. I agree with my colleague that the Public Utilities Commission of Nevada could maybe do something, but in their testimony, they indicated it would be an issue for them.

I would also like to point out to this Body the addition of an amendment from yesterday, which allows for "wheeling." I will read the definition of "wheeling" since I was not entirely clear on it when it was presented yesterday. "Wheeling" is the transportation of electrical power over transmission lines. Most cooperatives do not own their own generation so they need to wheel power from other utilities that they buy power from. I believe this practice helps in the areas my colleague is referring to, and it allows them to wheel the electricity in. It does not put anyone in a noncompliance position.

My colleague from Senate District No. 17 is probably correct that there is just one "bad actor" out there. This helps to regulate them. It is my opinion, and I believe it is also the opinion of the Committee that if you want to play with the big boys, you need to be regulated like the big boys. If you want to go outside of your cooperative, outside of your geographical area, you need to be regulated in a proper manner. Right now, the Public Utilities Commission of Nevada testified that, currently, they do not have the language to be able to do that.

With that said, I will stand by my vote in Committee and stand with my position on Assembly Bill No. 391. I believe if we are going to regulate folks properly, this goes a long way in helping to do that.

SENATOR JONES:

Thank you, Mr. President. I had asked some questions in Committee about Assembly Bill No. 391. I want to make sure the record is accurate. The bill applies only prospectively to actions by an electric cooperative that they might take in the future. It does not apply to actions that they may have taken in the past. With that understanding, I support Assembly Bill No. 391.

SENATOR SETTELMEYER:

Thank you, Mr. President. One of the issues that came up was a concern that the bill might apply to an existing contract a cooperative has with the federal government. Or is it only applicable to new contracts? Does it apply to a contract that is currently in the process of being fulfilled? That vagueness is another reason I do not support Assembly Bill No. 391.

SENATOR ATKINSON:

Thank you, Mr. President. Going back to the intent and everything we have been able to ascertain from the bill—if it is not clear, we are making it clear today—it is prospective. We are not going back to get anyone. That was clear from the testimony.

SENATOR PARKS:

Thank you, Mr. President. I have a question. Am I to understand an electrical cooperative would not be regulated in their regular operation, but if they went outside of their service area, they would prospectively have to file with the Public Utilities Commission of Nevada?

SENATOR ATKINSON:

Thank you, Mr. President. I believe the first part of your statement, Senator, is correct. If they plan to do it in the future, they would have to apply. It does not address any of the current contracts. What I find ironic, we heard in testimony that the “bad actor” we referred to earlier, plans to go outside of the cooperative’s service territory in the future. I think that was what unnerved some on the Committee.

Roll call on Assembly Bill No. 391:

YEAS—11.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—10.

Assembly Bill No. 391 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 440.

Bill read third time.

Remarks by Senators Spearman and Settelmeyer.

SENATOR SPEARMAN:

Thank you, Mr. President. Assembly Bill No. 440 extends the deadline for online and in-person voter registration to 5 p.m. on the Friday immediately preceding election day. The bill clarifies that persons who register during early voting are eligible to vote during the early voting period. The bill also provides that a registered voter may opt to receive a copy of the sample ballot electronically, rather than through the United States Postal Service. The bill is effective upon passage and approval for purposes of adopting regulations and performing preparatory administrative tasks, and on January 1, 2014, for all other purposes.

SENATOR SETTELMEYER:

Thank you, Mr. President. I rise in opposition to Assembly Bill No. 440. The bill would allow a situation where individuals could actually register to vote the same day they are voting. While it does not apply to the actual day of voting—in the State of Nevada we are at the point where about 55 percent of individuals are voting early, and that increases by about 2 to 3 percent per year; the majority of people vote early—this would allow individuals to walk in and vote that same day. I object to this because it could result in fraud. There will not be enough time, in my opinion, for a clerk to be able to check and determine that the address given is valid.

We heard testimony about the potential of this bill to allow individuals—especially those in the military—to vote. However, we forgot to consider in Committee that last Session, we passed a bill called the MOVE Act that allowed military personnel to vote up to seven days before an election. This would only add three more days to the period granted to individuals in the military. Again, I oppose this bill.

Roll call on Assembly Bill No. 440:

YEAS—11.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—10.

Assembly Bill No. 440 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.



Assembly Bill No. 441.

Bill read third time.

Remarks by Senator Spearman and Settelmeyer.

SENATOR SPEARMAN:

Thank you, Mr. President. Assembly Bill No. 441 authorizes county and city clerks to create one or more polling places on election day at which any registered voter may vote in person, without regard to his or her precinct. According to the testimony, these “voting centers” would operate in a manner similar to the polling places set up during early voting and the bill is permissive, not mandatory. The bill is effective on October 1, 2013.

We had several of the county registrars testify in favor of Assembly Bill No. 441. They indicated it would not be difficult to set it up. Even though they testified neutral, the language suggested they are in favor.

SENATOR SETTELMAYER:

Thank you, Mr. President. Assembly Bill No. 441 would allow voting district centers to be created on election day. Most counties currently allow this in the weeks prior to election day, during early voting. It is done as part of early voting because there is enough time to make the phone calls and certify the individuals are lawful to vote and have not voted twice. On election day, with 40 percent of the people voting at one time, there was discussion and testimony stating it could create a situation—with the current process as we have now, unless we get everyone over to electronic ballots—where more than one ballot could be cast by an individual prior to the certification of the election. There would then be a need to go back and try to decertify that election. That gives me grave concern. If it does go forward, a system would have to be created in each county where there is a complete set of identical voter data at every one of these district centers and precincts. I think it is too big of a burden and opens up too many possibilities for fraud at this point in time. I oppose this bill.

SENATOR SPEARMAN:

Thank you, Mr. President. I thank my colleague from Senate District No. 17 for his concerns. However, during the course of the testimony, I believe the person responsible for elections here in Carson City said it was something they would like to move to anyway. If you look at the language of the bill, it is permissive. No one will do this unless they are ready.

I might also remind my colleague that the voting centers will be similar to those set up during early voting. If someone attempts to vote twice, because it is electronic, it will be caught immediately. Going back and certifying the rolls is not something new. That is something they do already. Again, this bill is permissive, and there are entities who want to do this anyway. They are putting in place those measures they need to protect the integrity of the vote. I urge your passage.

Roll call on Assembly Bill No. 441:

YEAS—11.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—10.

Assembly Bill No. 441 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Assembly Bills Nos. 50, 442, 445, 449, 455, 456, 459, 460, 471, 478, 483, 486, 487, 494, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS  
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 4.

The following Assembly Amendment was read:

Amendment No. 602.

"SUMMARY—Revises provisions governing the testing of a person or decedent who may have exposed certain public employers, employees or volunteers to a ~~contagious~~ communicable disease. (BDR 40-265)"

"AN ACT relating to ~~contagious~~ communicable diseases; revising provisions governing the testing of a person who may have exposed certain public employers, employees or volunteers to a ~~contagious~~ communicable disease; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, if the duties of a law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees, any other person who is employed by an agency of criminal justice or any other public employee may require him or her to come into contact with human blood or bodily fluids and if he or she may have been exposed to a contagious disease while performing those duties, the employee or his or her employer may petition a court to have the person or decedent who may have exposed the employee or his or her employer to a contagious disease tested for exposure to the human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis. Upon a finding by a court that there is probable cause to believe that a possible transfer of blood or other bodily fluids to the petitioner or the person on whose behalf the petition was filed occurred, the court is required to order testing of the blood of the person or decedent who possibly exposed to a contagious disease the petitioner or the person on whose behalf the petition was filed. (NRS 441A.195)

Section 1 of this bill allows any such employee or a volunteer for a public agency, who comes in contact with human blood or bodily fluids in the course of his or her official duties, or his or her employer or the public agency for which he or she volunteers, to seek a test of the person or decedent who possibly exposed the public employee or volunteer to a ~~contagious~~ communicable disease. Section 1 requires a court to determine that the employee or volunteer would require medical intervention if there is a positive result to the test for the presence of a communicable disease before issuing an order for a test. Section 1 allows a judge or a justice of the peace hearing the petition upon a determination of probable cause and the ordering of a test, to authorize certain persons acting on behalf of the employer or public agency to sign the name of the judge or justice of the peace on a duplicate order. Such an order is to be deemed an order of the court but must be returned to the judge or justice of the peace for endorsement. Failure by the judge or justice of the peace to endorse the order does not in and of itself invalidate the order. Section 1 also: (1) requires any records concerning such

a petition or proceeding on such a petition to be sealed and kept confidential; and (2) authorizes a court to establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order by electronic or telephonic means. Sections 2 and 3 of this bill authorize justice courts and municipal courts to issue such orders.

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

Section 1. NRS 441A.195 is hereby amended to read as follows:

441A.195 1. A law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees ~~[,] or volunteers~~, any other person who is employed by *or is a volunteer for* an agency of criminal justice or any other public employee ~~[whose duties may require him or her to come] or volunteer for a public agency who, in the course of his or her official duties, comes into contact with human blood or bodily fluids, [who may have been exposed to a contagious disease while performing his or her official duties,] or the employer of such a person [,] or the public agency for which the person volunteers~~, may petition a court for an order requiring the testing of a person or decedent for exposure to ~~[the human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis]~~ a communicable disease if the person or decedent may have exposed the officer, emergency medical attendant, firefighter, county coroner or medical examiner or their employee ~~[,] or volunteer~~, other person employed by *or volunteering for* an agency of criminal justice or other public employee ~~[whose duties may require him or her to come into contact with human blood or bodily fluids] or volunteer for a public agency to a [contagious] communicable disease.~~

2. When possible, before filing a petition pursuant to subsection 1, the person, ~~[or] employer or public agency for which the person volunteers, and who is~~ petitioning shall submit information concerning the possible exposure to a ~~[contagious] communicable~~ disease to the designated health care officer for the employer *or public agency* or, if there is no designated health care officer, the person designated by the employer *or public agency* to document and verify possible exposure to ~~[contagious] communicable~~ diseases, for verification that there was substantial exposure. Each designated health care officer or person designated by an employer *or public agency* to document and verify possible exposure to ~~[contagious] communicable~~ diseases shall establish guidelines based on current scientific information to determine substantial exposure.

3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a possible transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person or decedent who possibly exposed him or her to a ~~[contagious] communicable~~ disease. If the court determines that probable cause exists to believe that a possible transfer of blood or other bodily fluids occurred ~~[,] and, that a~~

positive result from the test for the presence of a communicable disease would require the petitioner to seek medical intervention, the court shall:

(a) Order the person who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a ~~[contagious]~~ communicable disease to submit two appropriate specimens ~~[of blood]~~ to a local hospital or medical laboratory for testing for exposure to ~~[the human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis;]~~ a communicable disease; or

(b) Order that two appropriate specimens ~~[of blood]~~ be ~~[drawn]~~ taken from the decedent who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a ~~[contagious]~~ communicable disease and be submitted to a local hospital or medical laboratory for testing for exposure to the ~~[human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis;]~~ communicable disease.

↪ The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical practices and shall disclose the results of the test in the manner set forth in NRS 629.069.

4. *If a judge or a justice of the peace enters an order pursuant to this section, the judge or justice of the peace may authorize the designated health care officer or the person designated by the employer or public agency to document and verify possible exposure to a ~~[contagious]~~ communicable disease to sign the name of the judge or justice of the peace on a duplicate order. Such a duplicate order shall be deemed to be an order of the court. As soon as practicable after the duplicate order is signed, the duplicate order must be returned to the judge or justice of the peace who authorized the signing of it and must indicate on its face the judge or justice of the peace to whom it is to be returned. The judge or justice of the peace, upon receiving the returned order, shall endorse the order with his or her name and enter the date on which the order was returned. Any failure of the judge or justice of the peace to make such an endorsement and entry does not in and of itself invalidate the order.*

5. *Except as otherwise provided in NRS 629.069, all records submitted to the court in connection with a petition filed pursuant to this section and any proceedings concerning the petition are confidential and the judge or justice of the peace shall order the records and any record of the proceedings to be sealed and to be opened for inspection only upon an order of the court for good cause shown.*

6. *A court may establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order pursuant to this section by electronic or telephonic means.*

7. *The employer of a person or the public agency for which the person volunteers, who files a petition or on whose behalf a petition is filed pursuant to this section or the insurer of the employer or public agency, shall pay the cost of performing the test pursuant to subsection 3.*

~~[§]~~ 8. *As used in this section:*

(a) "Agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

(b) "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.

Sec. 2. NRS 4.370 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(l) In actions for a fine imposed for a violation of NRS 484D.680.

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

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

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

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

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

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

(r) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

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

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

(u) *In any action seeking an order pursuant to NRS 441A.195.*

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

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or 176A.280.

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

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

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

Sec. 3. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To prevent or abate a nuisance within the limits of their respective cities.

2. The municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or 176A.280.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed \$2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed \$2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed \$2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed \$2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed \$2,500.

(f) *Actions seeking an order pursuant to NRS 441A.195.*

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

Sec. 4. NRS 629.069 is hereby amended to read as follows:

629.069 1. A provider of health care shall disclose the results of all tests performed pursuant to NRS 441A.195 to:

(a) The person who was tested and, upon request, a member of the family of a decedent who was tested;

(b) The law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or their employee

~~[-]~~ or volunteer, other person who is employed by or volunteers for an agency of criminal justice or other public employee ~~[whose duties may require him or her to come into contact with human blood or bodily fluids]~~ or volunteer of a public agency who filed the petition or on whose behalf the petition was filed pursuant to NRS 441A.195;

(c) The designated health care officer for the employer of the person or the public agency for which the person volunteers, as described in paragraph (b) or, if there is no designated health care officer, the person designated by the employer or public agency to document and verify possible exposure to ~~[contagious]~~ communicable diseases;

(d) If the person who was tested is incarcerated or detained, the person in charge of the facility in which the person is incarcerated or detained and the chief medical officer of the facility in which the person is incarcerated or detained, if any; and

(e) A designated investigator or member of the State Board of Osteopathic Medicine during any period in which the Board is investigating the holder of a license pursuant to chapter 633 of NRS.

2. A provider of health care and an agent or employee of a provider of health care are immune from civil liability for a disclosure made in accordance with the provisions of this section.

3. A person to whom the results of a test pursuant to paragraph (b) or (c) of subsection 1 are disclosed shall keep any information relating to the identity of the person about whom the results relate in strict confidence and shall not disclose any information about that person or the results of any test which would identify the person to any other person or governmental entity.

Sec. 5. This act becomes effective upon passage and approval.

Senator Jones moved that the Senate concur in the Assembly Amendment No. 602 to Senate Bill No. 4.

Motion carried by a constitutional majority.

Bill ordered enrolled.

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 20, 31, 60, 106, 125, 155, 198, 243.

##### REMARKS FROM THE FLOOR

Senator Kihuen has requested that the following remarks be entered in the Journal.

##### SENATOR KIHUEN:

Thank you, Mr. President. Happy Democracy Day at the Nevada Legislature. Democracy Day allows us to honor what makes this Legislature, this process and this society possible. We Senators are here today because our constituents elected us to office. Participatory democracy is the basis of this Nation, and more than 200 years later it continues to be the most effective way to move forward as a society.

Today, we will be recognizing several distinguished guests for their work and dedication to participatory democracy. Joining us, today, to honor our guests is the honorable, respectable,



Ultimate Fighting Championship fighter, Secretary of State Ross Miller—who I do not want to mess with. We will pass your bills out Mr. Secretary.

From educating citizens about the election process and civic responsibility, these individuals and organizations have displayed their dedication to our community through civic service, and positively impacted the democratic process in Nevada. The Advisory Committee on Participatory Democracy asked for nominations for the Jean Ford Democracy Award and the National Association of Secretaries of State Medallion Award in March. The Committee's purpose is to assist the Secretary of State in identifying and proposing programs that promote citizen participation in governance and work with partner organizations at the local, State and national levels to increase voter participation.

The first award is the Jean Ford Democracy Award in honor of a former member of this Body. Jean Ford served in the Assembly and the Senate in the 1970s and early 1980s. She was a fervent community activist who was instrumental in the establishment in the Nevada Women's History Project which gathered and disseminated information about the roles, accomplishments and activities of Nevada women of every race, class and ethnic background who contributed in determining the State's future. Her contributions will continue to be remembered in her namesake award. Recipients are nominated and selected from three categories: educators, community leaders and elected or government employees. We will be presenting each recipient with a Legislature proclamation in recognition of their contributions.

The second award is the National Association of Secretaries of State Medallion Award which recognizes outstanding service and dedication to furthering civic engagement and participation. Recipients are nominated and selected from four categories: elections, civic education, service to state and a commitment to giving.

Thank you to all of the recipients. I would like to take this opportunity to begin the introductions of our guests today.

This is Rozita Lee. I was pleased to nominate her for the Jean Ford Democracy Award. Many of you may be familiar with Rozita. Many of you have worked with her out in the community. She is a familiar face in Southern Nevada and statewide too. She is heavily involved in civic engagement, voter registration and voter education in the Asian and Pacific Islander community. She has organized voter education, registration and mobilization programs to increase the number of registered Asian and Pacific Islander voters who are finding a unified force and increasing their political influence.

In 2009, President Obama appointed Rozita to the reestablished White House initiative on Asian Americans and Pacific Islanders. She is also currently the Vice Chair of the National Federation of Filipino-American Associations, in addition to serving many local organizations. Again, please join me in welcoming and congratulating Rozita and all of the other awardees today.

MR. PRESIDENT:

Thank you Senator Kihuen. Ms. Lee, thank you so much and congratulations to you.

SENATOR WOODHOUSE:

Thank you, Mr. President. It is my pleasure to introduce a Medallion recipient. This is Kenneth Dalton. Mr. Dalton is a retired fire fighter, as well as past President of the Reno-Sparks National Association for the Advancement of Colored People. He is founder of Our Story, Incorporated, an organization to preserve, share and exhibit the heritage, contributions and accomplishments of people whose history is not well represented in Northern Nevada. This organization maintains a website with links and resources about information not generally taught or disseminated about minority populations and their role in shaping Northern Nevada. The organization shares oral histories through classroom visits and partnered with the Reno Historic Preservation Society in 2011 for the first annual Ethnic Reno Tour, highlighting buildings designed by African-American architects and sites and locations significant to African-American history. Please join me in welcoming and congratulating Kenneth Dalton.

SENATOR FORD:

Thank you, Mr. President. I am pleased to welcome another Jean Ford Democracy Award recipient, Ms. Deborah Berger. Ms. Berger is an educator at the Clark County School District

and teaches a civil rights program called We the People: The Citizen & the Constitution. She mentors teachers and uses a variety of interactive teaching techniques during We The People summer institutes. The person who nominated Ms. Berger noted that she first met Ms. Berger in 2005 when she taught a program on civil rights at the Canyon Springs High School Symposium. She felt that Ms. Berger conveyed the information so well that she immediately ordered the materials. She further noted that she had not been familiar with the details of the early 1960s children's march prior to participating in Ms. Berger's class. Please join me in congratulating and welcoming Ms. Berger.

SENATOR SMITH:

Thank you, Mr. President. It is my extreme honor today to have our Secretary of State Ross Miller here today. We all know what a tremendous job he has done as Secretary of State. He has moved our State forward on elections issues. We appreciate him much.

I also have with me Dan Burk who is the Washoe County Registrar of Voters. Dan is retiring next month. Secretary of State Miller selected him as a Medallion recipient in recognition of his distinguished career as an election official. Dan began his career in Washoe County in 1997, but prior to coming to Nevada he had a distinguished career as an election official in Oregon. In fact, he has been an election official for 33 years. Goodness, he deserves retirement. In 2002, he became a Certified Elections Registration Administrator and was the first election official in Nevada to earn this certification.

Although he is not present today, I would also like to recognize Clark County Registrar of Voters Larry Lomax who, like Dan, is retiring next month. I would like to note that this week the White House announced that President Obama appointed Mr. Lomax to the Presidential Commission on Election Administration. That is quite an honor for Mr. Lomax and for our State.

This is a pivotal moment in our State electoral system as the Registrars of Voters in our two largest counties are retiring. They have both been instrumental in helping implement the system of voting we have in this State. Those of us who are so involved in elections really recognize and appreciate that. They are both retiring with distinguished careers. We are all sad to see them go. I ask you to join me in expressing our shared gratitude to Dan Burk and Larry Lomax for their years of public service, wishing them the best in their retirements and also welcoming Secretary of State Miller and Dan Burk to our Chamber today.

I have two other guests here with me today: Ginnie Kersey and Bob Kersey are Washoe County residents who are highly involved in the election process. They happened to be here today; they came to watch their pastor, Reverend Neal Anderson, deliver the prayer today. They are excited to be here and involved. Please make them feel welcome.

SENATOR ATKINSON:

Thank you, Mr. President. I am pleased to welcome a Jean Ford Democracy Award recipient in the Community Individual category where we recognize volunteers who give of their own time to promote participatory democracy. Shane Piccinini is from Reno, and has been a volunteer for more than 20 years for the Center for Civic Education, We The People curriculum and Project Citizens curriculum. He organizes events and coordinates resources from the federal level for 16 school districts. He also coaches students and teachers so as to engage them in civic responsibility, the importance of voting and all layers of being involved in public policy. He also takes time to build websites to provide online resources for teachers and civic coaches. Please join me in welcoming him and his family to our Chamber.

SENATOR SPEARMAN:

Thank you, Mr. President. It is my pleasure to introduce the National Association of Secretaries of State Medallion recipient Mi Familia Vota. Representing them here today is Leo Murrieta. Mi Familia Vota is a relatively new organization, but has quickly proven itself to be a community leader in engaging traditionally underrepresented voters in the civic process. Mi Familia Vota's core activity is civic engagement and voter registration—it is a significant part of its work. In 2012, they registered 19,000 eligible Nevadans and educated them about the importance of voting and the voting process. The organization also conducts citizenship workshops in Las Vegas and Reno to connect immigrants with the legal help they need to

advance toward naturalization. Please join me in welcoming Leo Murrieta and in congratulating Mi Familia Vota.

SENATOR SEGERBLOM:

Thank you, Mr. President. It is my pleasure to recognize Dr. Steven Parker as a recipient of the Jean Ford Democracy Award in the Education category. Dr. Parker is the Associate Professor and Internship Coordinator at the Department of Political Science at the University of Nevada, Las Vegas. He has taught and influenced many students who have gone on to become community and policy advocates in Nevada. I am sure many of you have had his students as your interns. Dr. Parker could not be here today but he asked one of his students to accept his award; that student is none other than my intern, Taylor McCadney. Taylor, thank you so much for being here to represent Dr. Parker and please extend our congratulations to him.

SENATOR PARKS:

Thank you, Mr. President. It is my great pleasure to introduce a National Association of Secretaries of State Medallion recipient, MGM Resorts Foundation International Philanthropy Program represented here today by Denice Miller. Denice is no stranger to this building. The Medallion award is in recognition of the MGM's significant philanthropic contributions that impact the quality of life of Nevadans. Since 2002, the employee-driven MGM Resorts Foundation International Philanthropy Program has raised nearly \$50 million to support nonprofit organizations. In 2011, 97 employee-funded MGM Resorts Foundation grants provided education support to 119,048 children; food, housing and self-sufficiency assistance to 150,881 individuals and families and vital assistance such as medical care and mental health counseling to 24,498 individuals and families. Please join me in welcoming Denice Miller and congratulating MGM Resorts International.

MR. PRESIDENT:

Denice, it is always a pleasure to see you. I know you are here on behalf of MGM Resorts, but I am going to take gratuitous advantage of this—while we all savor and support our Millennium Scholarship Program that we all rightfully associate with former Governor Kenny Guinn, much of the intellectual firepower behind creating the Millennium Scholarship was Denice Miller's. I will always be grateful to her. Thank you for being with us Denice.

When we talk about participatory democracy, I see a friend of mine is here today, who worked with the We The People program for decades. Many of you know her as a Partners In Education professional—my good friend Judy Simpson is here in the Chamber. In addition I see former State Treasurer Bob Seale.

And lastly, I have a Jean Ford story I would like to share. My wife was getting a Master's in Business Administration at the University of Nevada, Reno. She was taking the core classes, but she also had to take an elective. She took a class called "Women in Nevada" taught by Jean Ford. Most of the class was comprised of women. They had a class field trip scheduled, and the students were invited to bring their spouses on this three-day road trip all throughout rural Nevada. I agreed to join my wife for this trip. It turned out I was the only man on the entire trip. I spent three days with 40 ladies led by Jean Ford. It is an education I will never forget. There was probably a picon punch or two involved. It was a real treat, and it gave me the opportunity to adore and respect former Nevada Senator Jean Ford. We miss her terribly.

SENATOR DENIS:

Thank you, Mr. President. I, too, wish to honor one of our award recipients: our own Secretary of the Senate, David Byerman. He received the award under the Elected and/or Government Employee category. David has served as Secretary of the Senate since 2010, and initiated a variety of programs to engage the public in the legislative process such as uLegislate—if you do not know what that is, it is worth knowing about. It is a great program that happens during the Interim that allows people to understand the legislative process. It is a hands-on legislative simulation here in the Senate Chamber. Also, Channel 21, which is new this year, is an information network that delivers operational information in the Legislative Building. The SENarts program—if you have not seen the different artwork in the Senate areas in this building, please take time before we go home this Session to see the many wonderful things that

are installed. The artwork has been changing throughout the Session. SENarts is a partnership the Senate has with the Division of Museums and Nevada Arts Council. A competition was held before Session, with the Minority Leader and myself serving as judges. These programs help us build our permanent art collection. We hope to see in the future, not only additional pieces of art, but also music and other types of art. Please join me in taking a moment here to congratulate David on this award.

SENATOR KIHUEN:

Thank you Mr. President, I have two additional guests with me here today that I would like to introduce, Rick McIlveene and Dr. Martha McIlveene, they are the bosses of my boss—my Legislative Assistant, Emily McIlveene, whom you all know.

They have been married for 41 years and live in Rocks Spring, Georgia. Rick is a small business owner in Chattanooga, Tennessee. Martha is the Director of the Stem Education Center at Austin State University in Clarksville, Tennessee. Please make them feel welcome.

I would like to invite the Secretary of State to join me so I can present a proclamation to him in recognition of the recipients of the Jean Ford Democracy Award and the National Association of Secretaries of State Medallion Award. May 23, 2013 is named as Participatory Democracy Day at the Nevada Legislature.

SENATOR HAMMOND:

Thank you, Mr. President. I would like to take a moment to recognize Dr. Steven Parker who is one of the recipients of the Jean Ford Democracy Award. He was one of my professors so I want to congratulate him, as well as the others, for the awards they are receiving today. It was a long time ago now, but when Dr. Parker was my professor, I helped him set up part of the internship programming he does now.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of President Krolicki, the privilege of the Floor of the Senate Chamber for this day was extended to Judy Simpson and Bob Seale.

On request of Senator Atkinson, the privilege of the Floor of the Senate Chamber for this day was extended to Joanne Piccinini, Jordan Piccinini and Shane Piccinini.

On request of Senator Ford, the privilege of the Floor of the Senate Chamber for this day was extended to Deborah Berger.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Rozita Lee, Martha McIlveene and Rick McIlveene.

On request of Senator Parks, the privilege of the Floor of the Senate Chamber for this day was extended to Denice Miller.

On request of Senator Segerblom, the privilege of the Floor of the Senate Chamber for this day was extended to Taylor McCadney.

On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended to Dan Burk, Bob Kersey, Ginnie Kersey and Secretary of State Ross Miller.

On request of Senator Spearman, the privilege of the Floor of the Senate Chamber for this day was extended to Leo Murrieta.

On request of Senator Woodhouse, the privilege of the Floor of the Senate Chamber for this day was extended to Kenneth Dalton; and also to the students and chaperones from Roberts Cartwright Elementary School; students: Alex Alberro, Michael Alberro, Destiny Alday, Zion Aledo, Giselle Allende, Matthew Ancelowitz, Angelo Ang, Kyle Aquino, Bryson Baliza, Morgan Barnett, Olivia Barquist, Joanna Bieda, Tyler Blackbourne, Aidan Bleuer, Ava Braggs, Jakob Campbell, Ariana Castellon, Nolan Castillo, Bailey Church, Reagan Clark, Alexis Cole, Owen Cox, Samantha Cullen, Kenneth Dalton, Alexandria Davis, Ohlhit Detvongsa, Geena Donnelly, Gray Ebarb, Khadijah Esmail, Aiyana Evans, Kayla Ezor, Joshua Foreman, Cadence Frehner, Michael Frey, Alicia Galvez, Edson Garcia, Ethan Garza, Lyndsay Gilbert, Ziah Granger, Macie Henault, Eric Hennes, Emma Hoffman, Ryeant Horacek, Alissandra Juarez, Brandon Kuhn, Javier Larrea Ariza, Nathan Lawson, Alex Lingenfelter Gomez, Puahau Gora, Heather Lau, Eva Lynch, Arthur Lomeli, Nolan Mahan, Zia Martinez, Tiana Maxwell, Chasen Mitchell, Kadence Neilson, Kylie Osborn, Isaiah Osemwengie, Haily Ossias, Nicolas Palau, Kathryn Parker, Reena Pho, Madison Piekarski, Alan Ramirez, Derek Florez Rivera, Hunter Sagawinit, Quest Salazar, Aaliyah Savala, Cecilia Serwick, Dylan Simpson, McKay Smith, Travis Smith, Shalom Taylor, Riley Tewksbury, Seth Uejo Larita, Daesy Velasco, Aaron Whitaker, Madison Whitfield, Taren Wilson and Yasir Woods; chaperones: Jill Ancelowitz, Aljune Aquino, Robert Baliza, Nancy Bleuer, Alisia Cavazos, Lucinda Cavazos, Elizabeth Chandler, Ashley Chatham, Donald Church, Matt Cox, Christy Davis, Calena Evans, Tony Evans, Mike Frey, Jose Gomez, Stephen Hemmer, Christina Hernandez, Stephanie Holst, Javier Larrea, Jennifer Lau, Jim Lawson, Susan Lynch, Bill Mahan, Stacy Mahan, Amanda Mendoza Pannullo, Brianda Meza, Natalia Navarre, Krisit Neilson, Osiris Ortiz, Jenny Price, Adam Rivera, Ledua Sagawinit, Joe Salazar, Mrs. Stemmerik, Felisha Taylor, Faith Tucay, Helen Welte and Shannon Whitfield.

Senator Denis moved that the Senate adjourn until Friday, May 24, 2013, at 11:00 a.m. and that it do so in memory of Private Lee Rigby, the British soldier who was murdered in London on Wednesday.

Motion carried.

Senate adjourned at 6:44 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: DAVID A. BYERMAN  
*Secretary of the Senate*