

THE ONE HUNDRED AND FIFTH DAY

CARSON CITY (Sunday), May 17, 2015

Senate called to order at 3:23 p.m.

President pro Tempore Hardy presiding.

Roll called.

All present.

Prayer by Senator Scott Hammond.

Our Heavenly Father, we come before Thee at this hour to give Thee thanks, first of all, for the many blessings we have received in our lives. We thank Thee Father for the moisture we are receiving this day and during this week. We are so thankful that we can be here doing the people's business, and we pray that we will remember that we are no better than those who have sent us here. We are here to do their work, and we must leave our egos back at home and make those compromises that need to be made in order for the good of the State to be accomplished.

We are also thankful for the blessings of being able to serve and to have this opportunity to meet. We pray, Father, that we will make lasting friendships with those with whom we share this experience and that we will remember every day that we deal with our colleagues, both on the left and the right, as well as those who work here in the building with us, that we are doing so with the hopes we can be friends for many years to come. We are grateful for all these blessings and pray, Father, that Thou might sharpen our minds, make us aware of our surroundings and make us aware of the times we can compromise and be friends with one another. We are thankful again for our friends back home, our families we have left behind and especially for those spouses who pick up the slack as we leave the homes that we cherish so much. We are grateful for the time they put in with our families. We miss them, appreciate them and are grateful for their efforts in order that we may be here to do this work.

We pray this in the Name of Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President pro Tempore and Secretary are authorized to make any necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President pro Tempore:

Your Committee on Commerce, Labor and Energy, to which was referred Assembly Bill No. 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES A. SETTELMAYER, *Chair*

Mr. President pro Tempore:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 152, 169, 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH P. HARDY, *Chair*

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

May 15, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bill No. 136.

CINDY JONES
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that Senate Bills Nos. 291, 296 be taken from the Secretary's desk and placed at the top of the Second Reading File.

Motion carried.

Senator Roberson moved that Assembly Bills Nos. 11, 47, 150, 183, 201, 244, 383 be taken from the Secretary's desk and place at the top of the General File.

Motion carried.

Senator Roberson moved that Assembly Bills Nos. 60, 67, 121, 172, 273, 363, 451 be taken from the General File and placed at the bottom of the General File for the next legislative day.

Motion carried.

Senator Roberson moved that Assembly Bills Nos. 141, 252, 460 be taken from the General File and placed on the Secretary's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 291.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 744.

SUMMARY—Provides for the determination of damage awards in certain civil actions. (BDR 3-951)

AN ACT relating to civil actions; requiring a court to make certain reductions in the amounts awarded as damages in certain civil actions; ~~imposing limits on the amount of certain medical expenses recoverable as damages in certain civil actions; authorizing the admission of certain evidence in certain civil actions; authorizing recovery or subrogation for the amount of certain medical expenses by certain persons in such actions;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

A common law doctrine, known as the "collateral source rule," prohibits a defendant in a tort case from introducing into evidence proof of amounts that the plaintiff received or was entitled to receive from a source other than the defendant in compensation for the harms or injuries caused by the defendant.

Existing law provides a limited exception to the collateral source rule by allowing a defendant in a case against a provider of health care based upon professional negligence to introduce evidence of amounts paid or payable to

a plaintiff pursuant to policies of health or accident insurance, the United States Social Security Act, worker's compensation statutes and other programs or contracts that pay for or reimburse costs of health care. (NRS 42.021)

This bill replaces the existing limited exception to the collateral source rule and instead requires a court, upon a motion by a defendant in any tort case, to reduce the amount of damages initially determined by the jury or other finder of fact by the amount ~~[that the plaintiff has been or will be compensated for his or her loss by an insurer or certain other persons in relation]~~ of past medical expenses paid in relation to the injury or death sustained. However, this bill prohibits the court from reducing the amount of the damages by any amount ~~[that the plaintiff has been or will be compensated under a contract entered into and]~~ : (1) paid for [by or on behalf of the plaintiff.

~~— This bill also provides that the amount of damages for reasonable and necessary medical expenses that may be recovered by a successful plaintiff are limited to the amounts that are actually or likely to be actually incurred and paid to providers of health care or medical facilities for reasonable and necessary medical treatment, care and custody provided to the dead or injured person. This bill further allows evidence of those amounts to be introduced at trial for the use of the jury or other finder of fact in making the initial determination of the amount of damages incurred by the plaintiff.~~

~~— Finally, this bill provides that if a plaintiff receives an award of damages that includes amounts paid by another person or entity to a provider of health care or medical facility by or on behalf of the person whose death or injury is the subject of the action for reasonable and necessary medical treatment, care and custody, the person or entity is entitled to recover the amount of those payments directly or indirectly from the plaintiff.]~~ any treatment, care or custody provided by a provider of health care or medical facility on a lien; or (2) paid pursuant to medical payment coverage.

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

Section 1. Chapter 42 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, in any action to recover damages for death or injury to a person ~~for for injury to property, the court shall:~~*

~~— (a) Reduce the amount of damages to be awarded initially determined by a jury or other finder of fact by the amount that the plaintiff has been or will be indemnified or compensated by any other person, insurance company or fund in relation to the injury or death sustained; and~~

~~— (b) Enter judgment in the amount as reduced pursuant to paragraph (a).~~

~~→ The court shall not reduce the amount of the damages to be awarded by the amount that the plaintiff has been or will be indemnified or compensated by a benefit paid pursuant to a contract entered into and paid for by or on~~

~~behalf of the person whose death or injury or injury to his or her property is the subject of the action.~~

~~2. Except as otherwise provided in this section, in any action to recover damages for the person whose death or injury is the subject of the action, the amount that may be recovered by a plaintiff as compensation for payments to a provider of health care or medical facility by or on behalf of the dead or injured person for reasonable and necessary medical treatment, care and custody is limited to the sum of:~~

~~(a) Amounts actually paid to the provider of health care or medical facility by or on behalf of the dead or injured person for such treatment, care and custody;~~

~~(b) Amounts actually incurred, but not yet paid, to the provider of health care or medical facility by or on behalf of the dead or injured person for such treatment, care and custody; and~~

~~(c) Estimates of amounts that are likely to be actually incurred and paid in the future by or on behalf of the dead or injured person to a provider of health care or medical facility for such treatment, care and custody.~~

~~→ If the defendant so elects, the defendant may introduce evidence concerning those amounts for the use of the jury or other finder of fact in making the initial determination of the amount of damages incurred by the dead or injured person.~~

~~3. If a plaintiff receives an award of damages that includes amounts paid by another person or entity to a provider of health care or medical facility by or on behalf of a dead or injured person for reasonable and necessary medical treatment, care and custody pursuant to subsection 2, the person or entity may:~~

~~(a) Recover the amount of such payments from the plaintiff; or~~

~~(b) Be subrogated to the rights of the plaintiff against a defendant with respect to the amount of those payments.~~

~~4.7 :~~

(a) A plaintiff may, in the initial presentation of the case to a judge, jury, tribunal, arbitrator or other finder of fact, claim the full amount of any past and future medical expenses charged or to be charged by a provider of health care or medical facility.

(b) The judge, jury, tribunal, arbitrator or other finder of fact shall return a verdict or award based upon the past and future medical charges as set forth in the claim, and the court or appropriate judicial officer shall enter judgment in accordance with the verdict or award.

(c) Within 10 days after entry of judgment, the defendant may file a motion to reduce the judgment. Except as otherwise provided in this paragraph and paragraph (d), upon the filing of such a motion, the court or appropriate judicial officer shall reduce the judgment to the extent that the defendant proves by a preponderance of evidence that:

(1) The verdict or award includes the amount of any past medical expense that is covered by a policy of health insurance or other agreement with a third party if the amount charged by a health care provider or medical facility is greater than the amount to which the health care provider or medical facility is entitled under the terms of a contract with the health insurer or third party; and

(2) The health insurer or third party actually paid the amount set forth in the contract.

↳ The court or appropriate judicial officer shall not reduce the judgment by the amount of any payment pursuant to medical payment coverage.

(d) Before entering judgment in accordance with paragraph (c), the court or appropriate judicial officer shall determine:

(1) Any amount the plaintiff is required to pay the health insurer or third party pursuant to any lien or right of subrogation obtained by the health insurer or third party; and

(2) The costs incurred by the plaintiff to procure the coverage provided by the policy of health insurance or other agreement with a third party during the calendar year in which the death or injury to the person occurs regardless of the date on which the policy or other agreement was initially procured.

↳ The court or appropriate judicial officer may, for good cause shown, increase the judgment by the amounts determined pursuant to this paragraph.

2. The provisions of subsection 1 do not apply to an amount paid for any treatment, care or custody provided by a provider of health care or medical facility on a lien to a dead or injured person or other plaintiff. Such a lien must not be considered a source of collateral benefits. A defendant is not permitted to introduce evidence concerning any sale or other transfer of such a lien to a third party unless the payment obligations of the dead or injured person or other plaintiff are fully extinguished.

3. As used in this section:

(a) "Medical facility" has the meaning ascribed to it NRS 449.0151.

(b) "Plaintiff" includes, without limitation, the estate, heirs and legal representatives of the person ~~for~~ whose death or injury ~~for injury to his or her property~~ is the subject of the action ~~+~~ and any other aggrieved party or complainant whose rights are at issue in the action.

(c) "Provider of health care" has the meaning ascribed to it in NRS 42.021.

Sec. 2. NRS 42.021 is hereby amended to read as follows:

42.021 1. ~~[In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation~~

~~act, any health, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.~~

~~—2.— A source of collateral benefits introduced pursuant to subsection 1 may not:~~

~~—(a) Recover any amount against the plaintiff; or~~

~~—(b) Be subrogated to the rights of the plaintiff against a defendant.~~

~~—3.—~~ In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds \$50,000 in future damages.

~~{4.}~~ 2. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection ~~{3.}~~ 1, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

~~{5.}~~ 3. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection ~~{3.}~~ 1 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

~~{6.}~~ 4. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection ~~{5.}~~ 3, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall

order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

~~{7.}~~ 5. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make further payments ceases and any security given pursuant to subsection ~~{4}~~ 2 reverts to the judgment debtor.

~~{8.}~~ 6. As used in this section:

(a) "Future damages" includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) "Periodic payments" means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 3. ~~{This act becomes effective upon passage and approval.}~~ The amendatory provisions of this act apply to a cause of action that accrues on or after October 1, 2015.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

This amendment does several things that essentially allows for a plaintiff to claim the full amount of past and future medical expenses charged or to be charged by a health care provider or medical facility. Thereafter, it provides that a judge or other fact finder shall upon motion of the defendant make certain adjustments to the judgement amount.

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

Senate in recess at 3:33 p.m.

SENATE IN SESSION

At 3:37 p.m.

President pro Tempore Hardy presiding.

Quorum present.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 743.

SUMMARY—Revises provisions relating to exemplary or punitive damages in certain civil actions. (BDR 3-940)

AN ACT relating to damages; prohibiting the assertion of claims for punitive or exemplary damages in certain pleadings in civil actions; revising provisions relating to exemplary or punitive damages in certain civil actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits a party from including a claim for punitive or exemplary damages in certain pleadings at the commencement of a civil action and establishes a process by which a party may request leave to amend its pleadings to include such a claim.

Existing law establishes certain limitations on the amount of exemplary or punitive damages that may be assessed against a defendant in certain actions. Existing law further exempts certain persons, including manufacturers, distributors and sellers of a defective product, from those limitations. (NRS 42.005) Section 3 of this bill sets forth circumstances under which a manufacturer, distributor or seller of a product is not liable for exemplary or punitive damages.

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

Section 1. Chapter 42 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Upon commencement of any civil action, a complaint or answer or other responsive pleading may not include a claim for exemplary or punitive damages.*

2. *The party commencing the action may conduct discovery of facts supporting a claim of fraud, malice or oppression. The discovery must comply with the provisions of the Nevada Rules of Civil Procedure. After the parties to an action have conducted discovery, a party may move the court for leave to amend the party's pleadings to claim exemplary or punitive damages. Such a motion must:*

(a) Comply with the requirements and limitations of NRS 42.005; and

(b) Be supported with admissible evidence.

3. *A party opposing a motion filed pursuant to subsection 2 may respond to the motion with affidavits, testimony taken by deposition or other admissible evidence.*

4. *~~If, after considering all evidence submitted by the parties,~~ the court ~~finds~~ determines that there is prima facie evidence supporting a claim for*

punitive or exemplary damages, the court shall grant the moving party leave to amend the party's pleadings to include such a claim.

5. A party may not conduct discovery on issues of financial condition for the purposes of subsection 4 of NRS 42.005 before the party has filed with the court and served on all parties pleadings that have been amended with leave of the court pursuant to subsection 4.

Sec. 2. ~~NRS 42.001 is hereby amended to read as follows:~~

~~42.001 As used in this chapter, unless the context otherwise requires and except as otherwise provided in subsection [5] 8 of NRS 42.005:~~

~~1. "Conscious disregard" means the knowledge of the probable harmful consequences of a wrongful act and a willful and deliberate failure to act to avoid those consequences.~~

~~2. "Fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the person with the intent to deprive another person of his or her rights or property or to otherwise injure another person.~~

~~3. "Malice, express or implied" means conduct which is intended to injure a person or despicable conduct which is engaged in with a conscious disregard of the rights or safety of others.~~

~~4. "Oppression" means despicable conduct that subjects a person to cruel and unjust hardship with conscious disregard of the rights of the person.~~
(Deleted by amendment.)

Sec. 3. NRS 42.005 is hereby amended to read as follows:

42.005 1. Except as otherwise provided in NRS 42.007, in an action for the breach of an obligation not arising from contract, where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud or malice, express or implied, the plaintiff, in addition to the compensatory damages, may recover damages for the sake of example and by way of punishing the defendant. Except as otherwise provided in this section or by specific statute, an award of exemplary or punitive damages made pursuant to this section may not exceed:

(a) Three times the amount of compensatory damages awarded to the plaintiff if the amount of compensatory damages is \$100,000 or more; or

(b) Three hundred thousand dollars if the amount of compensatory damages awarded to the plaintiff is less than \$100,000.

2. The limitations on the amount of an award of exemplary or punitive damages prescribed in subsection 1 do not apply to an action brought against:

(a) A manufacturer, distributor or seller of a defective product ~~if~~ if:

(1) The manufacturer, distributor or seller sold the product after the effective date of a governmental agency's final order to:

(I) Remove the product from the market;

(II) Withdraw the governmental agency's approval of the product; or

(III) Substantially alter the governmental agency's terms of approval of the product in a manner that would have avoided the plaintiff's alleged

injury and the product did not meet the agency's altered terms of approval when sold;

(2) A governmental agency or court determined that the manufacturer, distributor or seller made an unlawful payment to an official or employee of a governmental agency for the purpose of securing or maintaining approval of the product;

(3) The manufacturer, distributor or seller intentionally, and in violation of any applicable laws or regulations as determined by the responsible governmental agency, withheld from or misrepresented to the governmental agency information material to the approval of the product and that information is material and relevant to the harm that the plaintiff allegedly suffered; or

(4) After the product was sold, a governmental agency found that the manufacturer, distributor or seller knowingly violated any applicable laws or regulations by failing timely to report risks of harm to that governmental agency and the information which was not reported was material and relevant to the harm that the plaintiff allegedly suffered;

(b) An insurer who acts in bad faith regarding its obligations to provide insurance coverage;

(c) A person for violating a state or federal law prohibiting discriminatory housing practices, if the law provides for a remedy of exemplary or punitive damages in excess of the limitations prescribed in subsection 1;

(d) A person for damages or an injury caused by the emission, disposal or spilling of a toxic, radioactive or hazardous material or waste; or

(e) A person for defamation.

3. ~~{Except as otherwise provided in subsection 4, in a product liability action:~~

~~(a) A manufacturer or seller is not liable for exemplary or punitive damages if:~~

~~(1) The product was designed, manufactured, packaged, labeled, sold or represented in relevant and material respects according to the terms of an approval, conditional approval, clearance, license or similar determination of a governmental agency;~~

~~(2) At the time the specific unit of the product was sold or delivered to the initial purchaser or user, the aspect of the product that allegedly caused the harm was in compliance with applicable rules, regulations, orders or standards promulgated by a governmental agency; or~~

~~(3) The product is a drug or device that:~~

~~(1) Was manufactured and labeled in relevant and material respects in accordance with the terms of an approval or license issued by the United States Food and Drug Administration pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 301 et seq., or the Public Health Service Act, 42 U.S.C. §§ 201 et seq.; or~~

~~(II) Is generally recognized as safe and effective pursuant to conditions established by the United States Food and Drug Administration and applicable regulations, including, without limitation, regulations relating to packaging and labeling.~~

~~(b) A seller of the product, other than the manufacturer, is not liable for exemplary or punitive damages unless the seller:~~

~~(1) Exercised substantial control over that aspect of the design, manufacture, packaging or labeling of the product that caused the harm for which the recovery of damages is sought;~~

~~(2) Altered or modified the product and the alteration or modification was a proximate cause of the harm for which the recovery of damages is sought; or~~

~~(3) Had actual knowledge of the defective condition of the product at the time the seller sold the product.~~

~~4. The provisions of subsection 3 do not apply in a product liability action if the plaintiff establishes that, at any time before the activity or event that allegedly caused the harm, any of the following occurred:~~

~~(a) The manufacturer or seller sold the product after the effective date of a governmental agency's final order to remove the product from the market, to withdraw the governmental agency's approval of the product or to substantially alter the governmental agency's terms of approval of the product in a manner that would have avoided the plaintiff's alleged injury.~~

~~(b) A governmental agency or court determined that the manufacturer or seller made an unlawful payment to an official or employee of a governmental agency for the purpose of securing or maintaining approval of the product.~~

~~(c) After the product was sold, a governmental agency found that the manufacturer or seller knowingly violated applicable laws or regulations by failing to report risks of harm to that governmental agency and the information which was not reported was material and relevant to the harm that the plaintiff allegedly suffered.~~

~~5. The provisions of subsections 3 and 4 must not be construed to:~~

~~(a) Expand the authority of any officer, agent or agency of this State to adopt regulations or standards where no such authority previously existed;~~
~~or~~

~~(b) Reduce the scope of any limitation on liability based on compliance with the rules or regulations of a governmental agency applicable to a specific act, transaction, person or industry.~~

~~6. If punitive damages are claimed pursuant to this section, the trier of fact shall make a finding of whether such damages will be assessed. If such damages are to be assessed, a subsequent proceeding must be conducted before the same trier of fact to determine the amount of such damages to be assessed. The trier of fact shall make a finding of the amount to be assessed according to the provisions of this section. The findings required by this~~

section, if made by a jury, must be made by special verdict along with any other required findings. The jury must not be instructed, or otherwise advised, of the limitations on the amount of an award of punitive damages prescribed in subsection 1.

~~4. ~~7.7~~~~ Evidence of the financial condition of the defendant is not admissible for the purpose of determining the amount of punitive damages to be assessed until the commencement of the subsequent proceeding to determine the amount of exemplary or punitive damages to be assessed.

~~5. ~~8.7~~~~ For the purposes of an action brought against an insurer who acts in bad faith regarding its obligations to provide insurance coverage, the definitions set forth in NRS 42.001 are not applicable and the corresponding provisions of the common law apply.

~~9. As used in this section:~~

~~(a) "Compensatory damages" means economic and noneconomic damages. The term does not include exemplary or punitive damages, interest allowed on a judgment, attorney's fees or civil penalties.~~

~~(b) "Device" has the meaning ascribed to it in 21 U.S.C. § 321(h).~~

~~(c) "Drug" has the meaning ascribed to it in 21 U.S.C. § 321(g)(1).~~

~~(d) "Governmental agency" means this State, the United States, any agency of this State or the United States or any entity vested with the authority of this State or the United States to issue rules, regulations, orders or standards governing the design, manufacture, packaging, labeling or advertising of a product.~~

~~(e) "Manufacturer" means any person who is engaged in a business to produce, create, make or construct any product or component part of a product and who:~~

~~(1) Designs, manufactures or formulates the product or component part of the product; or~~

~~(2) Engages another person to design, manufacture or formulate the product or component part of the product.~~

~~(f) "Product" means any object possessing intrinsic value that is capable of being delivered either as an assembled whole or as a component part or parts and produced for introduction into trade or commerce.~~

~~(g) "Product liability action" means any civil action brought against a manufacturer or seller of a product, regardless of the substantive legal theory or theories upon which the action is brought, for or on account of personal injury, death or property damage caused by or resulting from:~~

~~(1) The manufacture, construction, design, formula, installation, preparation, assembly, testing, packaging, labeling or sale of a product;~~

~~(2) The failure to warn or protect against a danger or hazard in the use, misuse or unintended use of a product; or~~

~~(3) The failure to provide proper instructions for the use of a product.~~

~~(h) "Seller" means a person who, in the course of a business conducted for that purpose:~~

~~(1) Sells, distributes, rents, leases, prepares, blends, packages, labels or is otherwise involved in placing a product into the stream of commerce; or~~

~~(2) Installs, repairs, refurbishes, reconditions or maintains a product.]~~

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

The amendment adds new language providing that a party commencing a civil action may conduct discovery supporting a claim of fraud, malice or oppression in compliance with applicable provisions of the *Nevada Rules of Civil Procedure*. It deletes section 2 of the bill, which contained several definitions that are no longer necessary to the bill, as amended.

The amendment also deletes original language describing conditions under which a manufacturer or seller would not be liable based on having met product appropriate standards or requirements set by governmental agencies and, instead, sets forth several new conditions under which limits on exemplary or punitive damages do not apply to a manufacturer, distributor or seller, including: 1) the failure to take appropriate action after a governmental agency's final order altering the conditions of or prohibiting the sale of a given product; 2) a finding by a governmental agency or court that the entity in question has made an unlawful payment to an official or employee of a governmental agency to secure or maintain product approval; 3) the illegal withholding or misrepresentation from a governmental agency of information material to approval of the product and material to the harm suffered by the plaintiff; and 4) a finding by a governmental agency, after the product has been sold, that the entity knowingly violated applicable laws or regulations by failing to report risks of harm that are material and relevant to the harm alleged by the plaintiff.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 492.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 812.

SUMMARY—Revises provisions governing the financial administration of off-highway vehicle titling and registration. (BDR 43-1175)

AN ACT relating to off-highway vehicles; providing a fee for the issuance of special plates to certain off-highway vehicle dealers, lessors and manufacturers by the Department of Motor Vehicles; revising provisions relating to fees collected by the Department for the titling and registration of off-highway vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the registration of certain off-highway vehicles. (NRS 490.082) Existing law also requires the Department of Motor Vehicles to issue to an off-highway vehicle dealer, long-term or short-term lessor or manufacturer a special plate, commonly known as a dealer plate, for use on certain off-highway vehicles for the purposes of display, demonstration, maintenance, sale or exchange. (NRS 490.0827, 490.125) Section 2 of this bill requires the Department to charge a fee of \$12 for such a special plate, and authorizes the Department to only issue such a special plate upon a request from an off-highway vehicle dealer, long-term or short-term lessor or manufacturer. The money collected by the Department for such special plates

must be deposited into the ~~[State Highway Fund]~~ Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration.

Existing law requires the Department to deposit the fees collected for issuing a certificate of title for an off-highway vehicle into the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. (NRS 490.084) Money in the Account must be used to pay the expenses of administering the titling and registration of off-highway vehicles. (NRS 490.085) Fees collected for the annual registration of an off-highway vehicle must be distributed as follows: (1) fifteen percent must be deposited in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration; and (2) to the extent that any portion of the fee for registration is not for the operation of the off-highway vehicle on a highway, 85 percent must be deposited into the Account for Off-Highway Vehicles. Fees in the latter Account may be used by the Commission on Off-Highway Vehicles for certain administrative costs and to award grants for certain purposes related to off-highway vehicles. (NRS 490.069) Section 3 of this bill requires that all the money collected by the Department for titling and registration must be deposited in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. Section 4 of this bill requires the Department, at least once each fiscal quarter, to transfer any amount in excess of \$150,000 from the Revolving Account into the Account for Off-Highway Vehicles for use by the Commission.

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

Section 1. NRS 490.070 is hereby amended to read as follows:

490.070 1. Upon the request of an off-highway vehicle dealer, the Department may authorize the off-highway vehicle dealer to receive and submit to the Department applications for the:

- (a) Issuance of certificates of title and registration for off-highway vehicles; and
- (b) Renewal of registration for off-highway vehicles.

2. An authorized dealer shall:

(a) Except as otherwise provided in ~~[paragraph (b) and]~~ subsection 4, submit to the State Treasurer for allocation to the Department ~~[or to the Account for Off Highway Vehicles created by NRS 490.069]~~ all fees collected by the authorized dealer from each applicant and properly account for those fees each month;

(b) ~~[Submit to the State Treasurer for deposit into the Account for Off Highway Vehicles all fees charged and collected and required to be deposited in the Account pursuant to NRS 490.084;~~

~~—(e)]~~ Comply with the regulations adopted pursuant to subsection 5; and

~~[(d)]~~ (c) Bear any cost of equipment which is required to receive and submit to the Department the applications described in subsection 1, including any computer software or hardware.

3. Except as otherwise provided in subsection 4, an authorized dealer is not entitled to receive compensation for the performance of any services pursuant to this section.

4. An authorized dealer may charge and collect a fee of not more than \$2 for each application for a certificate of title or registration received by the authorized dealer pursuant to this section. An authorized dealer may retain any fee collected by the authorized dealer pursuant to this subsection.

5. The Department shall adopt regulations to carry out the provisions of this section. The regulations must include, without limitation, provisions for:

(a) The expedient and secure issuance of:

(1) Forms for applying for the issuance of certificates of title for, or registration of, off-highway vehicles;

(2) Certificates of title and registration by the Department to each applicant whose application is approved by the Department; and

(3) Renewal notices for registrations before the date of expiration of the registrations;

(b) The renewal of registrations by mail or the Internet;

(c) The collection of a fee of not less than \$20 or more than \$30 for the renewal of a registration of an off-highway vehicle pursuant to NRS 490.082 or 490.0825;

(d) The submission by mail or electronic transmission to the Department of an application for:

(1) The issuance of a certificate of title for, or registration of, an off-highway vehicle; or

(2) The renewal of registration of an off-highway vehicle;

(e) The replacement of a lost, damaged or destroyed certificate of title or registration certificate, sticker or decal; and

(f) The revocation of the authorization granted to a dealer pursuant to subsection 1 if the authorized dealer fails to comply with the regulations.

Sec. 2. NRS 490.0827 is hereby amended to read as follows:

490.0827 1. Upon issuance of an off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's license certificate pursuant to NRS 490.200 or upon the renewal of the license pursuant to NRS 490.210, *the off-highway dealer, long-term or short-term lessor or manufacturer may request from the Department* ~~[shall furnish to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer]~~ one or more special plates for use on an off-highway vehicle specified in subsection 1 of NRS 490.125. Each plate must have displayed upon it the identification number assigned by the Department to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer, and may include a different letter or symbol on the plate. The off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's special plates may be used interchangeably on that off-highway vehicle.

2. The Department, upon a request pursuant to subsection 1, shall issue to each off-highway vehicle dealer, long-term or short-term lessor or manufacturer a reasonable number of special plates.

3. The Department shall charge an annual fee of \$12 for each special plate issued pursuant to this section.

4. Money received by the Department pursuant to subsection 3 must be deposited ~~in~~ with the State ~~Highway Fund~~ Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

Sec. 3. NRS 490.084 is hereby amended to read as follows:

490.084 1. The Department shall determine the fee for issuing a certificate of title for an off-highway vehicle, but such fee must not exceed the fee imposed for issuing a certificate of title pursuant to NRS 482.429. Money received from the payment of the fees described in this subsection must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

2. The Commission shall determine the fee for the annual registration of an off-highway vehicle pursuant to NRS 490.082 or 490.0825, but such fee must not be less than \$20 or more than \$30. Money received from the payment of the fees described in this subsection must be ~~distributed as follows:~~

~~—(a) During the period beginning on July 1, 2012, and ending on June 30, 2013:~~

~~—(1) Eighty five percent must be~~ deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

~~—(2) To the extent that any portion of the fee for registration is not for the operation of the off highway vehicle on a highway, 15 percent must be deposited into the Account for Off Highway Vehicles created by NRS 490.069.~~

~~—(b) On or after July 1, 2013:~~

~~—(1) Fifteen percent must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~—(2) To the extent that any portion of the fee for registration is not for the operation of the off highway vehicle on a highway, 85 percent must be deposited into the Account for Off Highway Vehicles.]~~

Sec. 4. NRS 490.085 is hereby amended to read as follows:

490.085 1. The Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration is hereby created in the State Highway Fund.

2. ~~The~~ Except as otherwise provided in subsection 3, the Department shall use the money in the Account to pay the expenses of administering the

provisions of this chapter relating to the titling and registration of off-highway vehicles.

3. ~~Money in the Account must be used only for the purposes specified in subsection 2.~~ At least once each fiscal quarter, the Department shall transfer any amount in excess of \$150,000 in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration into the Account for Off-Highway Vehicles created by NRS 490.069.

4. Any money remaining in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration at the end of a fiscal year does not revert to the State Highway Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 5. This act becomes effective on July 1, 2015.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

This amendment changes the deposit account from the money received, pursuant to the bill, from the State Highway Fund to the revolving account for the administration of Off Highway Vehicle Titling and Registration which is where it was supposed to go.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 120.

Bill read second time and ordered to third reading.

Assembly Bill No. 191.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 686.

SUMMARY—Revises provisions governing taxes on fuels for motor vehicles. (BDR 32-667)

AN ACT relating to taxation; revising provisions relating to the imposition by certain counties of additional taxes on fuels for motor vehicles; providing that the boards of county commissioners of certain larger counties may continue the imposition of certain additional taxes on fuels for motor vehicles if a ballot question authorizing such additional taxes is approved by a majority of the voters in the county; providing for the imposition by the boards of county commissioners of certain counties of additional taxes on fuels for motor vehicles if a ballot question authorizing such additional taxes is approved by a majority of the voters in the county; requiring the approval by voters of additional ballot measures to continue the imposition of the additional taxes; providing that money collected from certain of the additional taxes must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected; repealing certain provisions relating to a ballot

question providing for the imposition by the State of certain additional taxes on fuels for motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes counties to impose certain taxes on motor vehicle fuels and special fuels used in motor vehicles. (Chapter 373 of NRS) Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more and in which a regional transportation commission has been created and a county tax is imposed on motor vehicle fuel (currently Clark County) to impose, upon approval by a two-thirds majority of the members of the board, additional taxes on motor vehicle fuel and various special fuels used in motor vehicles. Existing law also authorizes the board of county commissioners to provide for annual increases in these taxes, for the period beginning on January 1, 2014, and ending on December 31, 2016. Existing law provides that for the period beginning on January 1, 2017: (1) the board of county commissioners must not impose any additional increases in certain taxes authorized by that provision of existing law; and (2) increases in the remainder of the taxes authorized by that provision may not be effectuated unless a majority of the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases. (NRS 373.0663) Section 2 of this bill removes the prohibition on the continued imposition of additional increases in certain taxes, subject to the existing provisions which provide that the additional increases may not be effectuated unless a majority of the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases. Section 2 additionally provides that for the period beginning on January 1, 2027, additional annual increases in the taxes on motor vehicle fuel and various special fuels used in motor vehicles may not be effectuated unless a majority of the voters in the county at the general election in November 2026 authorize the board of county commissioners to continue to provide for the annual increases. If the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases, section 1 of this bill provides that any money collected from certain additional taxes imposed on motor vehicle fuel and various special fuels used in motor vehicles after November 8, 2016, must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected. Sections 4, 7, 9 and 12 of this bill make conforming changes.

Upon approval by a majority of the voters in any county, other than Clark or Washoe County, at the general election in November 2016, existing law requires the board of county commissioners of the county to impose additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. Existing law also authorizes the board of county commissioners to provide for annual increases in these taxes, for the period beginning on January 1, 2017, and ending on December 31, 2026. Additionally, existing law provides that, for the period beginning on January 1, 2027, the increases in these taxes may not be effectuated unless a majority of the voters in the county at the general election in November 2026 authorize the board of county commissioners to continue to provide for the annual increases. (NRS 373.0667) Existing law also provides for a statewide ballot measure, approval of which by a majority of the voters in the State at the general election in November 2016 would require the State to impose additional state taxes on motor vehicle fuel and various special fuels used in motor vehicles and to impose annual increases on those taxes. (Section 12 of chapter 540, Statutes of Nevada 2013, p. 3586) Section 18 of this bill repeals the provisions of existing law relating to the statewide ballot measure concerning the imposition by the State of additional state taxes on motor vehicle fuel and various special fuels used in motor vehicles. Sections 3 and 17 of this bill instead require the board of county commissioners of a county other than Clark or Washoe County, upon approval by a majority of the voters in the county at the general election in November 2016, to impose such additional taxes on motor vehicle fuel and various special fuels used in motor vehicles in the same manner as the board is required under existing law to impose the additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. Sections 14.5 and 15 of this bill provide that money collected from certain additional taxes imposed on motor vehicle fuel and various special fuels used in motor vehicles on or after January 1, 2017, must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected. Sections 4.5, 5, 6, 7.5, 8, 9.5, 10, 11, 12.5, 13, 14 and 18 of this bill make conforming changes.

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

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, money collected from the annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS 373.0663 and imposed by the ordinance after November 8, 2016, must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance

projects for the construction, maintenance and repair of state highways in the county in which the tax is collected.

Sec. 2. NRS 373.0663 is hereby amended to read as follows:

373.0663 1. Except as otherwise provided in this section, in a county whose population is 700,000 or more and in which a commission has been created and a tax is imposed pursuant to NRS 373.030:

(a) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 3.6 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 3.6 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1 cent per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1 cent per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding

fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 9 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 9 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(f) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(g) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in the county in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(h) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(i) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(j) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (g), (h) or (i), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(k) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(l) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(m) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (k) or (l), which is taxed by the Federal Government at a rate per gallon or gallon equivalent of 24.4 cents or more, in an amount equal to the product obtained by multiplying 24.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 24.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. An ordinance authorized by this section must be approved by a two-thirds majority of the members of the board. If the board adopts an ordinance authorized by this section, the ordinance must impose all of the taxes authorized by this section. Upon the adoption of such an ordinance, and except as otherwise provided in subsection 5, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

3. If the board adopts an ordinance imposing the taxes authorized by this section, the ordinance:

- (a) Must be adopted before October 1, 2013;
- (b) Must become effective on January 1, 2014; and
- (c) Is not affected by any changes in the population of the county which occur after the adoption of the ordinance.

4. The applicable percentage specified by the board for the taxes imposed pursuant to this section must be the same percentage for each tax imposed pursuant to this section. Except as otherwise provided in subsection 5, the board may amend the applicable percentage by ordinance from time to time, but any such amendment must not become effective earlier than 90 days after the date of the adoption of the ordinance amending the applicable percentage. Except as otherwise provided in subsection 4 of NRS 373.120, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

5. Upon the adoption of an ordinance authorized by this section:

(a) For the period beginning on January 1, 2014, and ending on December 31, 2016, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

(b) For the period beginning on January 1, 2017 ~~†~~:

~~—(1) The board shall not impose any additional annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance after November 8, 2016, but any annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance on or before November 8, 2016, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance.~~

~~—(2) The~~, and ending on December 31, 2026, the annual increases in the taxes authorized by ~~[paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1]~~ this section and imposed by the ordinance may not be effectuated unless a question is placed on the ballot at the general election on November 8, 2016, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2017, the increases authorized by ~~[paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1]~~ this section in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters voting on the question. If the question is approved by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes authorized by ~~[paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1]~~ this section and imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes authorized by ~~[paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1]~~ this section and imposed by the ordinance after November 8, 2016, but any annual increases in such taxes imposed by the ordinance on or before November 8, 2016, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by such taxes imposed by the ordinance.

(c) For the period beginning on January 1, 2027, if the question placed on the ballot pursuant to paragraph (b) is approved by a majority of the registered voters in the county voting on the question, the annual increases in the taxes authorized by this section and imposed by the ordinance may be effectuated if a question is placed on the ballot at the general election on November 3, 2026, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters voting on the question. If the question is approved at the general election on November 3, 2026, by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes authorized by this section and imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional

annual increases in the taxes authorized by this section and imposed by the ordinance after November 3, 2026, but any annual increases in such taxes imposed by the ordinance on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by such taxes imposed by the ordinance.

6. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which an ordinance adopted pursuant to this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which the ordinance becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the board in any ordinance imposing a tax pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that Index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that Index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the commission.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 3. NRS 373.0667 is hereby amended to read as follows:

373.0667 1. In addition to any other tax imposed pursuant to this chapter:

(a) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 3.6 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 3.6 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1 cent per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1 cent per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 9 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 9 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) *The board shall by ordinance impose:*

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(f) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

~~{(f)}~~ (g) *The board shall by ordinance impose:*

(1) *An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in the county in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and*

(2) *Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.*

(h) *The board shall by ordinance impose:*

(1) *An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and*

(2) *Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.*

(i) *The board shall by ordinance impose:*

(1) *An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and*

(2) *Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.*

(j) *The board shall by ordinance impose:*

(1) *An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (g), (h) or (i), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and*

(2) *Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.*

(k) *The board shall by ordinance impose:*

(1) *An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and*

(2) *Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.*

~~{(g)}~~ (l) *The board shall by ordinance impose:*

(1) *An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and*

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

~~[(h)]~~ (m) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph ~~[(f) or (g)]~~ (k) or (l), which is taxed by the Federal Government at a rate per gallon or gallon equivalent of 24.4 cents or more, in an amount equal to the product obtained by multiplying 24.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 24.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. Upon the adoption of the ordinance required by subsection 1, and except as otherwise provided in subsection 4, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

3. The applicable percentage specified by the board for the taxes imposed pursuant to this section must be the same percentage for each tax imposed by the board pursuant to this section. Except as otherwise provided in subsection 4, the board may amend the applicable percentage by ordinance from time to time, but any such amendment must not become effective earlier than 90 days after the date of the adoption of the ordinance amending the applicable percentage. Except as otherwise provided in subsection 4 of NRS 373.120, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

4. Upon the adoption of an ordinance authorized by this section:

(a) For the period beginning on January 1, 2017, and ending on December 31, 2026, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

(b) For the period beginning on January 1, 2027, the annual increases in the taxes *authorized by this section and* imposed by the ordinance may ~~not~~ be effectuated ~~unless~~ if a question is placed on the ballot at the general

election on November 3, 2026, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters in the county voting on the question. If the question is approved by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes imposed by the ordinance after November 3, 2026, but any annual increases in the taxes imposed by the ordinance in effect on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes imposed by the ordinance.

5. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which an ordinance adopted pursuant to this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which the ordinance becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the board in any ordinance imposing a tax pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the commission.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 4. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066 or paragraph (a) of subsection 1 of NRS 373.0663 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066 or paragraph (b) of subsection 1 of NRS 373.0663 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066 or paragraph (c) of subsection 1 of NRS 373.0663 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 must, except as otherwise required by subsection 6 of NRS 373.140, *and section 1 of this act*, require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066 or 373.0663 must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066 or 373.0663, and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 4.5. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066, paragraph (a) of subsection 1 of NRS 373.0663 or paragraph (a) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066, paragraph (b) of subsection 1 of NRS 373.0663 or paragraph (b) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066, paragraph (c) of subsection 1 of NRS 373.0663 or paragraph (c) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~{(h)}~~ (m), inclusive, of subsection 1 of NRS 373.0667 must, except as otherwise required by subsection 6 of NRS 373.140, *and section 14.5 of this act*, require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066, 373.0663 or 373.0667 must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066, 373.0663 or 373.0667 and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 5. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066, paragraph (a) of subsection 1 of NRS 373.0663 or paragraph (a) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066, paragraph (b) of subsection 1 of NRS 373.0663 or paragraph (b) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066, paragraph (c) of subsection 1 of NRS 373.0663 or paragraph (c) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h)]~~ (m), inclusive, of subsection 1 of NRS 373.0667 must, except as otherwise required by subsection 6 of NRS 373.140, and section 15 of this act, require the

allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066, 373.0663 or 373.0667 must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066, 373.0663 or 373.0667 and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 6. NRS 373.068 is hereby amended to read as follows:

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066, paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (a) to ~~((e))~~ (f), inclusive, of subsection 1 of NRS 373.0667, does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs ~~[(f), (g) and (h)]~~ (g) to (m), inclusive, of subsection 1 of NRS 373.0667, does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066, 373.0663 or 373.0667 is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 7. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, *and section 1 of this act*, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065, paragraph (a), (b) or (c) of subsection 1 of NRS 373.066 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.0663

which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 7.5. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h)]~~ (m), inclusive, of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, *and section 14.5 of this act*, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065, paragraph (a), (b) or (c) of subsection 1 of NRS 373.066, paragraph (a), (b) or (c) of subsection 1 of NRS 373.0663 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 8. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h)]~~ (m), inclusive, of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, *and section 15 of this act*, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065, paragraph (a), (b) or (c) of subsection 1 of NRS 373.066, paragraph (a), (b) or (c) of subsection 1 of NRS 373.0663 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 9. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, *and except as otherwise provided in section 1 of this act*, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663, that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 9.5. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, *and except as otherwise provided in section 14.5 of this act*, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h)]~~ (m), inclusive, of subsection 1 of NRS 373.0667 that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 10. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, *and except as otherwise provided in section 15 of this act*, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h)]~~ (m), inclusive, of subsection 1 of NRS 373.0667 that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not

control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 11. NRS 373.131 is hereby amended to read as follows:

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to NRS 277A.210 may be obtained by the issuance of revenue bonds and other revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions of this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board or, in a county whose population is 100,000 or more, a commission, may, after the enactment of any ordinance authorized or required by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h)]~~ (m), inclusive, of subsection 1 of NRS 373.0667, issue revenue bonds and other revenue securities, on the behalf and in the name of the county or the commission, as the case may be:

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 and paragraphs (d) to ~~[(h)]~~ (m), inclusive, of subsection 1 of NRS 373.0667 and, with respect to notes, warrants or interim debentures described in paragraphs (a) and (b) of subsection 6, the proceeds of bonds or interim debentures;

(b) Which must not be general obligations of the county or the commission or a charge on any real estate within the county; and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county or a commission as provided in subsection 2 is authorized to issue bonds or other securities without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, or, in a county whose population is 100,000 or more, a commission may, on behalf and in the name of the commission, borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county or commission securities, and in connection with the undertaking or project, the board or the commission, as the case may be, may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter,

↪ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by or remitted to the county pursuant to chapter 365 of NRS, as supplemented by this chapter. Receipts of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065, paragraphs (a) and (b) of subsection 1 of NRS 373.066, paragraphs (a) and (b) of subsection 1 of NRS 373.0663 and paragraphs (a) and (b) of subsection 1 of NRS 373.0667 may be used by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. Such taxes may also be used by a commission in a county whose population is 100,000 or more for the payment of bonds or other securities issued pursuant to the provisions of this chapter and may be pledged therefor if the board of the county consents to such use. If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts of the tax levied in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely

manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing the issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board or commission, as the case may be, of details as to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified, if such bond or other security is issued by the county and not the commission.

8. Notwithstanding any other provision of this chapter, no commission has authority to issue bonds or other securities pursuant to this chapter unless the commission has executed an interlocal agreement with the county relating to the issuance of bonds or other securities by the commission. Any such interlocal agreement must include an acknowledgment of the authority of the commission to issue bonds and other securities and contain provisions relating to the pledge of revenues for the repayment of the bonds or other securities, the lien priority of the pledge of revenues securing the bonds or other securities, and related matters.

Sec. 12. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

- (a) The priorities established by the plan;
- (b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

↪ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663, except as otherwise *provided in section 1 of this act*, otherwise required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

↪ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 12.5. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ (m), inclusive, of subsection 1 of NRS 373.0667 must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

- (a) The priorities established by the plan;
- (b) The relation of the proposed work to other projects already constructed or authorized;
- (c) The relative need for the project in comparison with others proposed; and
- (d) The money available.

↪ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ (m), inclusive, of subsection 1 of NRS 373.0667, except as otherwise *provided in section 14.5 of this act, otherwise* required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and

towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

↪ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h)]~~ (m), inclusive, of subsection 1 of NRS 373.0667 must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 13. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h)]~~ (m), inclusive, of subsection 1 of NRS 373.0667 must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

➔ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~(h)~~, (m), inclusive, of subsection 1 of NRS 373.0667, except as otherwise *provided in section 15 of this act*, otherwise required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

↪ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ (m), inclusive, of subsection 1 of NRS 373.0667 must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 14. NRS 373.160 is hereby amended to read as follows:

373.160 1. The ordinance or ordinances, or the resolution or resolutions, providing for the issuance of any bonds or other securities issued under this chapter payable from the receipts from the fuel excise taxes designated in this chapter may at the discretion of the board or, in the case of bonds or other securities issued by a commission, the commission, in addition to covenants and other provisions authorized in the Local Government Securities Law, contain covenants or other provisions as to the pledge of and the creation of a lien upon the receipts of the taxes collected for the county pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 and paragraphs (d) to ~~[(h),]~~ (m), inclusive, of subsection 1 of NRS 373.0667, excluding any tax proceeds to be distributed directly under the provisions of NRS 373.150, or the proceeds of the bonds or other securities pending their application to defray the cost of the project, or both such tax proceeds and security proceeds, to secure the payment of revenue bonds or other securities issued under this chapter.

2. If the board or, in the case of bonds or other securities issued by a commission, the commission, determines in any ordinance or resolution authorizing the issuance of any bonds or other securities under this chapter that the proceeds of the taxes levied and collected pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 and paragraphs (d) to ~~[(h),]~~ (m), inclusive, of subsection 1 of NRS 373.0667 are sufficient to pay all bonds and securities, including the proposed issue, from the proceeds thereof, the board or, in the case of bonds or other securities issued by a commission, the commission with the consent of the board as provided in subsection 6 of NRS 373.131, may additionally secure the payment of any bonds or other securities issued pursuant to the ordinance or resolution under this chapter by a pledge of and the creation of a lien upon not only the proceeds of any fuel tax authorized at the time of the issuance of such securities to be used for such payment in subsection 6 of NRS 373.131,

but also the proceeds of any such tax thereafter authorized to be used or pledged, or used and pledged, for the payment of such securities, whether such tax be levied or collected by the county, the State of Nevada, or otherwise, or be levied in at least an equivalent value in lieu of any such tax existing at the time of the issuance of such securities or be levied in supplementation thereof.

3. The pledges and liens authorized by subsections 1 and 2 extend to the proceeds of any tax collected for use by the county on any fuel so long as any bonds or other securities issued under this chapter remain outstanding and are not limited to any type or types of fuel in use when the bonds or other securities are issued.

Sec. 14.5. Section 1 of this act is hereby amended to read as follows:

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, money collected from the annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS ~~[373.0663]~~ 373.0667 and imposed by the ordinance *on or* after ~~[November 8, 2016,]~~ *January 1, 2017*, must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected.

Sec. 15. Section 1 of this act is hereby amended to read as follows:

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, money collected from ~~[the]~~ :

1. *The annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS 373.0663 and imposed by the ordinance after November 8, 2016 ~~[;]~~ ; or*

2. *The annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS 373.0667 and imposed by the ordinance on or after January 1, 2017,*

↪ must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected.

Sec. 16. Section 14 of chapter 540, Statutes of Nevada 2013, at page 3587, is hereby amended to read as follows:

Sec. 14. ~~[H.]~~ This section and sections 1, 1.1, 1.7, 1.75, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 11.5 of this act become effective upon passage and approval.

~~2.— Section 12 of this act becomes effective on October 1, 2013, if and only if a board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013.~~

~~3.— Section 13 of this act becomes effective on October 1, 2013, if and only if a board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013.~~

~~4.— Sections 1.2, 1.5, 3.2 and 8.2 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is not approved by a majority of the registered voters in every county in this State voting on the question.~~

~~5.— Sections 1.2, 1.3, 1.5, 1.8, 1.85, 2.3, 3.1, 4.3, 5.3, 6.3, 7.3, 8.1, 9.3, 10.3 and 11.1 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is approved by a majority of the registered voters in any county in this State voting on the question.~~

~~6.— Sections 1.3, 1.8, 1.85, 2.3, 3.3, 4.3, 5.3, 6.3, 7.3, 8.3, 9.3, 10.3 and 11.1 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is not approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is~~

approved by a majority of the registered voters in any county in this State voting on the question.

~~7. Sections 1.2, 1.5, 3.7 and 8.7 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is not approved by a majority of the registered voters in every county in this State voting on the question.~~

~~8. Sections 1.2, 1.3, 1.5, 1.9, 1.95, 2.7, 3.5, 4.7, 5.7, 6.7, 7.7, 8.5, 9.7, 10.7 and 11.3 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is approved by a majority of the registered voters in any county in this State voting on the question.~~

~~9. Sections 1.3, 1.9, 1.95, 2.7, 3.9, 4.7, 5.7, 6.7, 7.7, 8.9, 9.7, 10.7 and 11.3 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is not approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is approved by a majority of the registered voters in any county in this State voting on the question.~~

~~10. Sections 1.1, 1.7, 1.75, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this act expire by limitation on October 1, 2013, if a board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013.]~~

Sec. 17. A question must be placed on the ballot at the general election on November 8, 2016, in each county in this State other than Clark County and Washoe County, which asks the voters in the county whether to authorize the board of county commissioners of the county to impose, for the period beginning on January 1, 2017, and ending on December 31, 2026, the taxes authorized by NRS 373.0667, as amended by section 3 of this act, and the additional annual increases in those taxes authorized by that section.

Sec. 18. 1. NRS 373.0665 and 373.165 are hereby repealed.

2. Sections 1.9, 1.95, 2.7, 3.1, 3.2, 3.5, 3.7, 3.9, 4.7, 5.7, 6.7, 7.7, 8.1, 8.2, 8.5, 8.7, 8.9, 9.7, 10.7, 11.3, 12 and 13 of chapter 540, Statutes of Nevada 2013, at pages 3549, 3550, 3552, 3554, 3555, 3557, 3558, 3561, 3562, 3563, 3564, 3565, 3567, 3569, 3570, 3571, 3576, 3581, 3584 and 3586, are hereby repealed.

Sec. 19. Sections 1.3, 1.8, 1.85, 2.3, 3.3, 4.3, 5.3, 6.3, 7.3, 8.3, 9.3, 10.3 and 11.1 of chapter 540, Statutes of Nevada 2013, become effective on January 1, 2017, if the question placed on the ballot at the general election on November 8, 2016, pursuant to section 17 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

Sec. 20. 1. This section and sections 2 and 16 to 19, inclusive, of this act become effective upon passage and approval.

2. Sections 1, 4, 7, 9 and 12 of this act become effective on November 9, 2016, if the question placed on the ballot at the general election on November 8, 2016, pursuant to NRS 373.0663, as amended by section 2 of this act, is approved by a majority of the registered voters in Clark County voting on the question.

3. Sections 3, 4.5, 6, 7.5, 9.5, 11, 12.5, 14 and 14.5 of this act become effective on January 1, 2017, if:

(a) The question placed on the ballot at the general election on November 8, 2016, pursuant to NRS 373.0663, as amended by section 2 of this act, is not approved by a majority of the registered voters in Clark County voting on the question; and

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to section 17 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

4. Sections 3, 5, 6, 8, 10, 11, 13, 14 and 15 of this act become effective on January 1, 2017, if:

(a) The question placed on the ballot at the general election on November 8, 2016, pursuant to NRS 373.0663, as amended by section 2 of this act, is approved by a majority of the registered voters in Clark County voting on the question; and

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to section 17 of this act is approved by a

majority of the registered voters in any county in this State voting on the question.

TEXT OF REPEALED SECTIONS

373.0665 Additional taxes in all counties: Impositions; rates and annual increases; money received credited to State Highway Fund.

1. In addition to any other tax imposed pursuant to chapter 365 or 366 of NRS:

(a) There is hereby imposed:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in this State in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in this State in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in this State in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the

amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in this State in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) There is hereby imposed:

(1) An excise tax on each gallon of special fuel sold in this State, other than any special fuel described in paragraph (b), (c) or (d), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. The applicable percentage for the taxes imposed pursuant to this section must be the same percentage for each tax imposed pursuant to this section. Except as otherwise provided in subsection 3, the Legislature may amend the applicable percentage from time to time, but any such amendment must not become effective earlier than 90 days after the date of the action by the Legislature amending the applicable percentage. Except as otherwise provided in NRS 373.165, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

3. For the period:

(a) Beginning on January 1, 2017, and ending on December 31, 2026, no further action by the Legislature is necessary to effectuate the annual increases in the taxes imposed by this section.

(b) Beginning on January 1, 2027, the annual increases in the taxes imposed by this section must not be effectuated unless a question is placed on the ballot at the general election on November 3, 2026, which asks the voters in this State whether to authorize the Legislature to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by this section and the question is approved by a majority of the registered voters in this State voting on the question. If the question is approved by a majority of such voters, no further action by the Legislature is necessary to effectuate the annual increases in the taxes imposed by this section. If the question is not approved by a majority of such voters, the Legislature shall not impose any additional annual increases in the taxes imposed by this section after November 3, 2026, but any annual increases in the taxes imposed by this section in effect on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes imposed by this section.

4. All money received from the taxes imposed pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.

5. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the Legislature in any act amending the applicable percentage of a tax imposed pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the Legislature.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

373.165 Pledge of continuing increases in taxes imposed pursuant to NRS 373.0665.

1. Except as otherwise provided in subsection 2, any continuing increases in any taxes imposed pursuant to NRS 373.0665 must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations which are secured by the taxes imposed pursuant to NRS 373.0665 are issued or incurred, but the taxes imposed pursuant to NRS 373.0665 that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

2. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to NRS 373.0665, the Legislature may, except as otherwise provided in paragraph (b) of subsection 3 of NRS 373.0665:

(a) Continue the pledge of the increase in taxes imposed pursuant to NRS 373.0665 beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0665 are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the action by the Legislature authorized by this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0665 have been paid in full.

(b) Specify a different applicable percentage, including an applicable percentage of zero, but:

- (1) The applicable percentage must not exceed 7.8 percent;
- (2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of any action of the Legislature authorized by this subsection; and
- (3) The effective date of any action by the Legislature reducing the applicable percentage must not be sooner than the later of:
 - (I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0665 are issued or incurred; or
 - (II) June 30 of the fiscal year that is 5 full fiscal years after the date of any action by the Legislature authorized by paragraph (a).

3. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection 5 of NRS 373.0665.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Amendment No. 686 to Assembly Bill No. 191 provides a technical correction to the effective date provisions located in subsection 3 of section 20 of the bill.

The amendment provides that section 3 of the bill authorizing fuel tax indexing in any county other than Clark or Washoe County will become effective on January 1, 2017, if the November 2016 General Election ballot question required pursuant to the bill is approved by the majority of the voters in any county.

Amendment adopted.

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

Assembly Bill No. 364.

Bill read second time.

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

Amendment No. 765.

SUMMARY—Revises provisions relating to the state business portal. (BDR 7-696)

AN ACT relating to business; declaring certain records to be confidential; revising provisions governing the state business portal; revising provisions governing applications for certain authorizations to conduct a business in this State issued by state and local agencies and health districts; requiring the Secretary of State to assign a unique business identification number to certain entities and persons under certain circumstances; revising provisions governing the issuance of certain licenses by the Office of the Secretary of State; requiring the Secretary of State to suspend a state business license under certain circumstances; removing the prohibition against a county clerk refusing to accept for filing certain business certificates in certain circumstances; revising provisions governing the disclosure of certain information by the Employment Security Division of the Department of Employment, Training and Rehabilitation; repealing certain provisions relating to the collection of information from certain businesses ~~seeking~~

~~certain authorizations to conduct business~~ in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State is required to establish the state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through the state business portal. (NRS 75A.100) Section 4 of this bill requires the Secretary of State to: (1) establish common business registration information that may be used by state and local agencies and health districts to conduct necessary transactions with businesses in this State; and (2) cause the state business portal to exchange the common business registration information among certain state and local agencies and health districts that conduct necessary transactions with businesses in this State. Section 4 authorizes state and local agencies and health districts to: (1) integrate their electronic applications processes into the state business portal; (2) use the state business portal to accept and disseminate common business registration information that is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State; (3) make available on the Internet applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State and to integrate such applications into the state business portal; and (4) perform certain other actions related to participation in the state business portal. Section 4 also specifies that a state or local agency or health district is not required to disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of information. Section 3 of this bill deems that the records and files collected as common business registration information by the Secretary of State are confidential and privileged unless an exception applies.

Section 7 of this bill requires the Secretary of State to assign a unique business identification number to each business entity organized in this State and to each person who is issued a state business license or who claims to be excluded or exempt from the requirement to obtain a state business license. Under section 4: (1) the Secretary of State must cause the state business portal to interface with the system used by the Secretary of State to assign business identification numbers; and (2) state and local agencies and health districts that issue licenses, certificates, registration, permits or similar types of authorization to conduct a business in this State or to engage in an occupation or profession in this State may require an applicant for such a license, certificate, registration or permit to include the applicant's business identification number on the application.

Existing law also requires an applicant for a city or county business license to sign an affidavit or electronically submit an attestation affirming that the business satisfies certain insurance requirements. (NRS 244.33505, 268.0955) Sections 9.5 and 10.5 of this bill provide that if an applicant submits such an attestation electronically via the state business portal, access to certain information regarding industrial insurance must be provided through the state business portal.

Existing law ~~[requires certain applicants for the issuance or renewal of certain licenses, certificates or permits by a county, city or town to]~~ provides that if certain local governments require a person to obtain a license, permit or certificate to practice a profession or occupation, an applicant for the issuance or renewal of such a license, certificate or permit must submit a statement indicating whether the applicant is subject to a court order for the support of a child and whether he or she is in compliance with that order or a plan for the repayment of the money owed pursuant to the order. (NRS 244.33506, 266.358, 266.368, 269.171) [Section 15 repeals this requirement and section 5.3 of this bill instead requires certain applicants for the issuance or renewal of a state business license to submit such statement with the application for the issuance or renewal of a state business license.] Sections 9.6-9.9, 10.6 and 10.7 of this bill provide that an applicant for a general business license issued by a local government is not required to submit such a statement.

Existing law provides that if a local government which issues professional or occupational licenses, certificates or permits receives a copy of a court order suspending all such licenses, certificates or permits for failure to comply with certain child support requirements, the governmental entity must suspend the license, certificate or permit. (NRS 244.33508, 266.362, 269.172) Section 5.7 of this bill requires the Secretary of State to suspend the state business license of a sole proprietor if the Secretary of State receives a copy of a court order providing for the suspension of the professional and occupational licenses issued to the sole proprietor because the sole proprietor has not complied with certain child support requirements and the sole proprietor does not comply with certain requirements within 30 days. Sections 10.8 and 10.9 of this bill make conforming changes.

Section 11 of this bill removes the provision from existing law which prohibits a county clerk, in certain circumstances, from refusing to accept for filing a certificate or renewal certificate concerning persons doing business in this State under an assumed or fictitious name that is filed by a foreign artificial person or persons. Section 12 of this bill authorizes the Employment Security Division of the Department of Employment, Training and Rehabilitation to make certain information available to the Secretary of State for certain purposes related to operating and maintaining the state business portal.

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

Section 1. Chapter 75A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, "health district" means a health district created pursuant to NRS 439.362 or 439.370.*

Sec. 3. 1. *Except as otherwise provided in subsection 2 and NRS 239.0115, the records and files collected by the Secretary of State pursuant to paragraph (f) of subsection 2 of NRS 75A.100 are confidential and privileged. The Secretary of State and any employee of the Secretary of State who is authorized to view or use the information in such records or files:*

(a) Shall not disclose any information obtained from such records or files other than specific information contained in the record or file that is deemed a public record; and

(b) May not be required to produce any of the records, files and information for the inspection of any person or governmental entity or for use in any action or proceeding.

2. *The records and files collected pursuant to paragraph (f) of subsection 2 of NRS 75A.100 are not confidential and privileged in the following cases:*

(a) Testimony by the Secretary of State or any employee of the Secretary of State and the production of records, files and information on behalf of the Secretary of State or a person in any action or proceeding before the Secretary of State or a court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to this chapter.

(c) Publication by a governmental agency of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Secretary of State or a federal agency in accordance with any agreement made and provided for in such cases, or disclosure in confidence to any federal agency that requests the information for use by the agency in a civil or criminal investigation or prosecution.

(e) Disclosure in confidence to the Attorney General or other legal representative of the State or a federal agency in connection with an action or proceeding relating to a taxpayer, or to any agency of this or any other state or the Federal Government charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming or which issues licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State.

(f) Disclosure by the Secretary of State for the purpose of collection of a debt, fee or obligation owed to the Secretary of State.

(g) A business that submits information to the state business portal and agrees to a provision authorizing the release of information contained in the records and files of the state business portal for a purpose which must be specified in the provision.

Sec. 4. NRS 75A.100 is hereby amended to read as follows:

75A.100 1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through use of the state business portal.

2. The Secretary of State shall:

(a) Establish, through cooperative efforts ~~and~~ *and consultation with representatives of state agencies, local governments, health districts and businesses*, the standards and requirements necessary to design, build and implement the state business portal;

(b) Establish the standards and requirements necessary for a state or local agency to participate in the state business portal;

(c) Authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation ~~and~~ *and the agency has entered into an agreement for access to the state business portal with the Secretary of State;*

(d) Determine the appropriate requirements to be used by businesses and governmental agencies conducting transactions through use of the state business portal;

(e) *Cause the state business portal to interface with the system established by the Secretary of State to assign business identification numbers;*

(f) *For the purpose of coordinating the collection of common information from businesses using the state business portal:*

(1) Establish common business registration information to be collected from businesses by state and local agencies and health districts which issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, which collect taxes or fees or which conduct other necessary transactions with businesses in this State; and

(2) Cause the state business portal to exchange the common business registration information among state and local agencies and health districts which participate in the state business portal and which use the common business registration information to issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, to collect taxes or fees or to conduct other necessary transactions with businesses in this State;

(g) In carrying out the provisions of this section, consult with the Executive Director of the Office of Economic Development to ensure that the activities of the Secretary of State are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

~~[(f)]~~ (h) Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.

3. *Each state agency or health district that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in this State may, to the extent practicable, and each local agency that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in the jurisdiction of the local agency may, as approved by the governing body of the local government:*

(a) *Make available on its Internet website any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.*

(b) *Accept the electronic transfer of common business registration information from the state business portal for use in any electronic application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or for use in any application processing system.*

(c) *Integrate with the state business portal any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State. As used in this paragraph, "integrate" means to consolidate an electronic application process so that it is capable of collecting and disseminating information to a state or local agency or health district for the processing of the application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.*

(d) *Allow for the acceptance of an electronic signature for a declaration or affirmation under penalty of perjury or as provided for in statute.*

(e) *Require an applicant for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State to include in the application the applicant's business identification number.*

(f) *Ensure that the state or local agency or health district, as applicable, is capable of using the state business portal to accept and disseminate to participating state and local agencies and health districts the common business registration information established pursuant to subparagraph (1) of paragraph (f) of subsection 2 which is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.*

(g) Establish and maintain its rules, data and processes relating to businesses in accordance with the agreement entered into by the state or local agency or health district pursuant to paragraph (c) of subsection 2 and any corresponding technical documentation.

4. The provisions of subsection 3 do not require a state or local agency or health district to:

(a) Disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of the information.

(b) Upgrade its information technology system or incur significant expense to comply with the provisions of this section.

5. Except as otherwise provided in NRS 239.0115, all records containing technical specifications, processing protocols or programmatic or system architecture of the state business portal, and any other records containing information the disclosure of which would endanger the security of the state business portal, or proprietary information related to the functions, operations, processes or architecture of the state business portal, are deemed confidential and privileged.

6. As used in this section:

(a) "Business identification number" means the number assigned by the Secretary of State pursuant to section 7 of this act to an entity organized pursuant to this title or to a person who is issued a state business license or who claims to be excluded or exempt from the requirement to obtain a state business license pursuant to chapter 76 of NRS.

(b) "Disseminate" means to distribute in an electronic format that is capable of being accepted by participating state and local agencies and health districts and used by participants as the common business registration information used to issue a license, certificate, registration, permit or similar type of authorization, to collect taxes or fees or to conduct other necessary transactions with businesses in this State.

Sec. 5. Chapter 76 of NRS is hereby amended by adding thereto the provisions sets forth as sections 5.3 and 5.7 of this act.

~~Sec. 5.3. 1. If an applicant for the issuance or renewal of a state business license is required to obtain or renew a license, permit or certificate to practice a profession or occupation pursuant to NRS 244.334, 244.335, 266.355, 268.0887, 268.095 or 269.170, the applicant shall:~~

~~(a) Include in the application his or her social security number; and~~

~~(b) Submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~2. The Secretary of State shall include the statement required pursuant to subsection 1 in:~~

~~(a) The application or any other forms that must be submitted for the issuance or renewal of the state business license; or~~

~~(b) A separate form prescribed by the Secretary of State.~~

~~3. A state business license may not be issued or renewed by the Secretary of State if the applicant:~~

~~(a) Fails to submit the statement required pursuant to subsection 1; or~~

~~(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.~~

~~4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage. (Deleted by amendment.)~~

Sec 5.7. 1. If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is conducting business in this State as a sole proprietor, and the state business license issued by the Secretary of State to such a person, the Secretary of State shall deem the state business license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Secretary of State receives a letter issued to the holder of the state business license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the state business license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Secretary of State shall reinstate a state business license that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose state business license was suspended stating that the person whose state business license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 6. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the ~~entity~~ *business identification* number as assigned by the Secretary of State ~~[, if known,]~~ *pursuant to section 7 of this act*, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of \$100; and

(d) Include any other information that the Secretary of State deems necessary.

➔ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

6. For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to this title, other than a business organized pursuant to:

(1) Chapter 82 or 84 of NRS; or

(2) Chapter 81 of NRS if the business is a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(b) Has an office or other base of operations in this State;

(c) Has a registered agent in this State; or

(d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

7. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 7. Chapter 225 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purpose of establishing the identity of an entity organized pursuant to title 7 of NRS or a person who is issued a state business license pursuant to chapter 76 of NRS or who claims to be excluded or exempt from the requirement to obtain a state business license pursuant to NRS 76.105, the Secretary of State shall assign a unique business identification number to each such entity or person.

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840,

439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 598.0964, 598A.110, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, and section 3 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the

confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 9. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the ~~entity~~ *business identification* number of the applicant assigned by the Secretary of State *pursuant to section 7 of this act* which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the ~~entity~~ *business identification* number of the applicant assigned by the Secretary of State *pursuant to section 7 of this act* which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation

board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 9.5. NRS 244.33505 is hereby amended to read as follows:

244.33505 1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the affidavit or attestation required by subsection 1.

3. ~~Each~~ *Except as otherwise provided in this subsection, each* board of county commissioners shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~list~~ *report* of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. *A board of county commissioners is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.*

4. ~~Upon~~ *Except as otherwise provided in subsection 5, upon* receiving an affidavit or attestation required by this section, a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to

promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. *If an applicant submits an attestation required by this section electronically via the state business portal, the state business portal must provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.*

6. *As used in this section, "state business portal" means the state business portal established pursuant to chapter 75A of NRS.*

Sec. 9.6. NRS 244.33506 is hereby amended to read as follows:

244.33506 1. If a board of county commissioners requires a person to obtain a license, permit or certificate to practice a profession or occupation pursuant to NRS 244.334 or 244.335, an applicant for the issuance or renewal of such a license, certificate or permit shall submit to the board of county commissioners the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The board of county commissioners shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license, certificate or permit; or

(b) A separate form prescribed by the board of county commissioners.

3. A license, certificate or permit may not be issued or renewed by a board of county commissioners pursuant to NRS 244.334 or 244.335 if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the board of county commissioners shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a board of county commissioners.

Sec. 9.7. NRS 244.33507 is hereby amended to read as follows:

244.33507 1. An application for the issuance of a license, permit or certificate to practice a profession or occupation pursuant to NRS 244.334 or 244.335 must include the social security number of the applicant.

2. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a board of county commissioners.

Sec. 9.8. NRS 266.358 is hereby amended to read as follows:

266.358 1. If a city council requires a person to obtain a license, permit or certificate to practice a profession or occupation pursuant to NRS 266.355 or 268.0887, an applicant for the issuance or renewal of such a license, certificate or permit shall submit to the city council the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The city council shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license, certificate or permit; or

(b) A separate form prescribed by the city council.

3. A license, certificate or permit may not be issued or renewed by the city council pursuant to NRS 266.355 or 268.0887 if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the city council shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a city council.

Sec. 9.9. NRS 266.368 is hereby amended to read as follows:

266.368 *1.* An application for the issuance of a license, permit or certificate to practice a profession or occupation pursuant to NRS 266.355 or 268.0887 must include the social security number of the applicant.

2. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a city council.

Sec. 10. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the ~~entity~~ *business identification* number of the applicant assigned by the Secretary of State pursuant to section 7 of this act which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the city licensing agency the ~~entity~~ *business identification* number of the applicant assigned by the Secretary of State pursuant to section 7 of this act which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

- (1) The amount of tax due and the appropriate year;
- (2) The name of the record owner of the property;
- (3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 10.5. NRS 268.0955 is hereby amended to read as follows:

268.0955 1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the affidavit or attestation required by subsection 1.

3. ~~Each~~ *Except as otherwise provided in this subsection, each city council or other governing body of an incorporated city shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~list~~ report of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. A city council or other governing board of an incorporated city is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.*

4. ~~Upon~~ *Except as otherwise provided in subsection 5, upon receiving an affidavit or attestation required by this section, the city council or other governing body of an incorporated city shall provide the applicant with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.*

5. *If an applicant submits an attestation required by this section electronically via the state business portal, the state business portal must provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.*

6. *As used in this section, "state business portal" means the state business portal established pursuant to chapter 75A of NRS.*

Sec. 10.6. NRS 269.171 is hereby amended to read as follows:

269.171 1. If a town board or board of county commissioners requires a person to obtain a license, permit or certificate to practice a profession or occupation pursuant to NRS 269.170, an applicant for the issuance or renewal of such a license, certificate or permit shall submit to the town board or board of county commissioners the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The town board or board of county commissioners shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license, certificate or permit; or

(b) A separate form prescribed by the town board or board of county commissioners.

3. A license, certificate or permit may not be issued or renewed by a town board or board of county commissioners pursuant to NRS 269.170 if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the town board or board of county commissioners shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a town board or board of county commissioners.

Sec. 10.7. NRS 269.173 is hereby amended to read as follows:

269.173 1. An application for the issuance of a license, permit or certificate to practice a profession or occupation pursuant to NRS 269.170 must include the social security number of the applicant.

2. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a town board or board of county commissioners.

Sec. 10.8. NRS 425.530 is hereby amended to read as follows:

425.530 1. Each district attorney or other public agency collecting support for children shall send a notice by certified mail, restricted delivery, with return receipt requested to each person who:

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

(b) Is in arrears in the payment for the support of one or more children.

↪ The notice must include the information set forth in subsections 2 and 4 and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after the person receives the notice required by subsection 1:

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to NRS 425.560; or

(c) Submit to the district attorney or other public agency a written request for a hearing,

↪ the district attorney or other public agency shall request in writing that the master suspend all professional, occupational and recreational licenses, certificates and permits issued to that person ~~+~~, and any business license issued to that person if he or she is conducting business in this State as a sole proprietor.

3. Before a hearing requested pursuant to subsection 2 may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.

4. If the master receives from a district attorney or other public agency a request to suspend the professional, occupational and recreational licenses, certificates and permits issued to a person, and any business license issued to that person if he or she is conducting business in this State as a sole proprietor. the master shall enter a recommendation determining whether the person:

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

(b) Is in arrears in the payment for the support of one or more children.

↪ As soon as practicable after the master enters a recommendation, the district attorney or other public agency shall notify the person by first-class mail of the recommendation of the master.

5. If a person requests a hearing within the period prescribed in subsection 2 and meets with the enforcing authority as required in subsection 3, a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of the recommendation of the master at the conclusion of the hearing or as soon thereafter as is practicable.

Sec. 10.9. NRS 425.540 is hereby amended to read as follows:

425.540 1. If a master enters a recommendation determining that a person:

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

(b) Is in arrears in the payment for the support of one or more children,
→ and the district court issues an order approving the recommendation of the master pursuant to NRS 425.3844, the court shall provide a copy of the order to the Secretary of State and all agencies that issue professional, occupational or recreational licenses, certificates or permits.

2. A court order issued pursuant to subsection 1 must provide that if the person named in the order does not, within 30 days after the date on which the order is issued, submit to any agency that has issued a professional, occupational or recreational license, certificate or permit to that person, and to the Secretary of State if he or she conducts business in this State as a sole proprietor, a letter from the district attorney or other public agency stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560, the professional, occupational or recreational licenses issued to the person by that agency, or the business license issued to the person to conduct business in this State as a sole proprietor by the Secretary of State, will be automatically suspended. Such an order must not apply to a license, certificate or permit issued by the Department of Wildlife or the State Land Registrar if that license, certificate or permit expires less than 6 months after it is issued.

3. If a court issues an order pursuant to subsection 1, the district attorney or other public agency shall send a notice by first-class mail to the person who is subject to the order. The notice must include:

(a) If the person has failed to comply with a subpoena or warrant, a copy of the court order and a copy of the subpoena or warrant; or

(b) If the person is in arrears in the payment for the support of one or more children:

(1) A copy of the court order;

(2) A statement of the amount of the arrearage; and

(3) A statement of the action that the person may take to satisfy the arrearage pursuant to NRS 425.560.

Sec. 11. NRS 602.020 is hereby amended to read as follows:

602.020 1. A certificate filed pursuant to NRS 602.010 or a renewal certificate filed pursuant to NRS 602.035 must state the assumed or fictitious name under which the business is being conducted or is intended to be conducted, and if conducted by:

(a) A natural person:

(1) His or her full name;

(2) The street address of his or her residence or business; and

(3) If the mailing address is different from the street address, the mailing address of his or her residence or business;

(b) An artificial person:

(1) Its name; and

(2) Its mailing address;

(c) A general partnership:

(1) The full name of each partner who is a natural person;

(2) The street address of the residence or business of each partner who is a natural person;

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each partner who is a natural person; and

(4) If one or more of the partners is an artificial person described in paragraph (b), the information required by paragraph (b) for each such partner; or

(d) A trust:

(1) The full name of each trustee of the trust;

(2) The street address of the residence or business of each trustee of the trust; and

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each trustee of the trust.

2. The certificate must be:

(a) Signed:

(1) In the case of a natural person, by that natural person;

(2) In the case of an artificial person, by an officer, director, manager, general partner, trustee or other natural person having the authority to bind the artificial person to a contract;

(3) In the case of a general partnership, by each of the partners who is a natural person and, if one or more of the partners is an artificial person described in subparagraph (2), by the person described in subparagraph (2); or

(4) In the case of a trust, by each of the trustees; and

(b) Notarized, unless the board of county commissioners of the county adopts an ordinance providing that the certificate may be filed without being notarized.

3. ~~No county clerk may refuse to accept for filing a certificate filed by a foreign artificial person or foreign artificial persons because the foreign artificial person or foreign artificial persons have not qualified to do business in this State under title 7 of NRS.~~

~~—4—~~ As used in this section:

(a) "Artificial person" means any organization organized under the law of the United States, any foreign country, or a state, province, territory, possession, commonwealth or dependency of the United States or any foreign country, and as to which the government, state, province, territory,

possession, commonwealth or dependency must maintain a record showing the organization to have been organized.

(b) ~~["Foreign artificial person" means an artificial person that is not organized under the laws of this State.~~

~~—(e)]~~ "Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 12. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; ~~and~~

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS ~~[-]~~; and

(f) *The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.*

↪ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security

number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed

pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 13. (Deleted by amendment.)

Sec. 14. NRS 719.345 is hereby amended to read as follows:

719.345 The Secretary of State may require a governmental agency of this State or a governmental agency of a political subdivision of this State, as a condition of participation in the state business portal established pursuant to *chapter 75A of NRS*, [~~75A.100, 75A.200 and 75A.300,~~] to send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures.

Sec. 15. NRS 237.180, ~~[244.33506, 244.33507, 266.358, 266.368, 269.171, 269.173,]~~ 364.110 and 364.120 are hereby repealed.

Sec. 16. 1. This act becomes effective on ~~[October]~~ July 1, 2015.

2. Sections 5.3, ~~[and]~~ 5.7, 10.8 and 10.9 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

~~[LEADLINES]~~ TEXT OF REPEALED SECTIONS

237.180 Requirements; annual meeting to design and modify joint forms.

1. The agencies of this State, and the local governments within this State, that collect taxes or fees from persons engaged in business, or require such persons to provide related information and forms, shall coordinate their collection of information and forms so that each enterprise is required to furnish information in as few separate reports as possible. This section applies specifically, but is not limited, to the Department of Taxation, the Employment Security Division of the Department of Employment, Training and Rehabilitation, the State Department of Conservation and Natural Resources, and the counties and cities that require a business license.

2. On or before October 1 of each year, the Executive Director of the Department of Taxation shall convene the heads, or persons designated by the respective heads, of the state agencies named in subsection 1 and the appropriate officers of the cities and counties that require a business license. The Secretary of State, a representative of the Nevada Association of Counties and a representative of the Nevada League of Cities must be invited to attend the meeting. If the Executive Director knows, or is made aware by persuasive information furnished by any enterprise required to pay a tax or fee or to provide information, that any other state or local agency needs to participate to accomplish the purpose set forth in subsection 1, the Executive Director shall also invite the head of that agency or the appropriate officer of the local government, and the person so invited shall attend. The Administrator of the Division of Enterprise Information Technology Services of the Department of Administration shall assist in effecting the consolidation of the information and the creation of the forms.

3. The persons so assembled shall design and modify, as appropriate, the necessary joint forms for use during the ensuing fiscal year to accomplish the purpose set forth in subsection 1. If any dispute cannot be resolved by the

participants, it must be referred to the Nevada Tax Commission for a decision that is binding on all parties.

4. The provisions of chapter 241 of NRS apply to a meeting held pursuant to this section. The Executive Director of the Department of Taxation shall provide members of the staff of the Department of Taxation to assist in complying with the requirements of chapter 241 of NRS.

~~[244.33506 Application for or renewal of license, permit or certificate: Statement regarding obligation of child support required; grounds for denial; duty of board of county commissioners.~~

~~— 244.33507 Application for issuance of license, permit or certificate: Social security number required.~~

~~— 266.358 Payment of child support: Statement by applicant for license, permit or certificate; grounds for denial of license, permit or certificate; duty of city council.~~

~~— 266.368 Application for license, permit or certificate must include social security number of applicant.~~

~~— 269.171 Payment of child support: Statement by applicant for license, permit or certificate; grounds for denial of license, permit or certificate; duty of town board or board of county commissioners.~~

~~— 269.173 Application for license, certificate or permit must include social security number of applicant.]~~

364.110 Licensing authority to require affidavit. No county license board and no other licensing authority, whether county, city or township, within the State of Nevada, shall issue an initial license or transfer any license to any person, firm or corporation authorizing the person, firm or corporation to engage in, or in any manner carry on, any business of the retail sale of wines, beers, liquors, soft drinks, produce, meats or other foodstuffs, clothing, hardware, or any other type or class of merchandise whatever, without requiring the applicant or applicants for the license to file with the licensing authority an affidavit showing:

1. Whether the applicant or applicants are engaged in business under a fictitious name, and if so engaged in business, that the applicant or applicants have complied with the provisions of chapter 602 of NRS.

2. Whether there has been any change in ownership in the business of the applicant or applicants during the preceding calendar year, and if there has been any such change in ownership, that the change was made in compliance with the provisions of chapter 104 of NRS.

364.120 Filing fee for required affidavit. Any licensing authority coming within the provisions of NRS 364.110 is authorized to collect a filing fee of not to exceed \$3 for the filing of the affidavit required to be filed by NRS 364.110.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Amendment No. 765 to Assembly Bill No. 364 requires the Secretary of State to suspend a State business license under certain circumstances, and deletes section 5.3 to remove the collection of an affidavit with general business licenses, which was not required before and reduces the risk of access to social security numbers.

Amendment adopted.

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

Assembly Joint Resolution No. 4.

Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 8.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 11.

Bill read third time.

Remarks by Senators Brower, Segerblom, Kieckhefer and Ford.

SENATOR BROWER:

Assembly Bill No. 11 essentially changes the number of days prior to a sentencing hearing that the government has to provide a copy of the presentence investigative report to the court and to the defense.

SENATOR SEGERBLOM:

I reluctantly rise in opposition to this. The testimony was the only reason this was being changed. It is deleterious to the defendants. It is because of financial reasons. I do not think people should have their Constitutional rights shortchanged because of money. Testimony was also given there is also not a problem in northern Nevada as far as getting these presentence reports out. It is a problem only in southern Nevada. This tells me northern Nevada is getting too much money for their presentence reports, and we need more money down south. I would oppose this because it discriminates against southern Nevada. It is also going to cause more delays and cause people to spend more time in our county jails because reports are going to be late. These are already vastly over budget as everyone knows. For those reasons, I oppose this bill.

SENATOR BROWER:

A little history is in order to clarify this. Prior to last Session, after much work by the Advisory Commission on the Administration of Justice, there was a change in the law from zero days to 21 working days. The Division of Parole and Probation found the new 21 working day timeframe to be unworkable. They proposed this new compromise bill that changed 21 working days to 14 calendar days. In essence, the presentence investigative report has to be submitted to the defense and to the court no later than 14 days before the sentencing hearing. The Body should keep in mind that before last Session's bill, there was no time frame at all. Most of us, virtually all of us, thought it was unfair that the defense counsel could be presented with a presentence investigative report on the day of, literally at, the sentencing hearing. This bill mandates 14 calendar days before the hearing and is a compromise number. Parole and Probation are confident they can work with this number, and I think it reflects reasonable public policy in this area.

SENATOR KIECKHEFER:

The budget for Parole and Probation was closed contingent to passing of this bill. It actually increases the number of Parole and Probation positions we are putting into the budget to help ensure these reports are available on time, within this 14-day timeframe. We are increasing this number by seven positions to address this backlog which evidently exists in Clark County.

SENATOR FORD:

To be clear, this is not a compromise bill. This is not a bill that was compromised at all. It is a take-it or leave-it bill. It was presented by the Parole and Probation Department who indicated their objection was not to the substance of the 21-day requirement, but rather, that they did not have enough funding to carry it out. With it not being a substantive objection, it seems the appropriate approach is for this Body is to do what it is supposed to do. That is to properly fund the Department so that 21 days is allowed for them, per statute, to be met, not to reduce it to 14 days and, then, to ultimately fund them at that level. The funding should ultimately have been higher so that 21 days could have stayed in the statute because it is pretty much a foregone conclusion this will pass. Ultimately, however, it is passing for the wrong reason. This is a financial issue. It is an issue that we as a State have an obligation to provide, and we are not doing so. For that reason, defendants are being adversely affected. In addition, Clark County, particularly, is being adversely affected in relation to their jail system because people will not be taking continuances and staying in jail longer, lending more expenses to Clark County. I oppose this bill.

Roll call on Assembly Bill No. 11:

YEAS—11.

NAYS—Atkinson, Denis, Ford, Kihuen, Manendo, Parks, Segerblom, Smith, Spearman, Woodhouse—10.

Assembly Bill No. 11 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 47.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 47 allows a person or entity designated to receive a criminal history record of a current or prospective employee or volunteer on behalf of an employer to obtain the information from the Central Repository for Nevada Records of Criminal History. The measure authorizes the Central Repository to offer a service for a name-based criminal history records check of an employee, prospective employee, volunteer or prospective volunteer and to specify the requirements for participation in the service. The bill also authorizes a criminal justice agency to audit any employer, person or entity designated to receive records of criminal history to ensure that the disseminated records are securely maintained. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 47:

YEAS—21.

NAYS—None.

Assembly Bill No. 47 having received a two-thirds majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 150.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 150 makes changes to the Kenney Quinn Millennium Scholarship. This bill would allow students, who might not meet the criteria of the minimum GPA, this would allow them to qualify on condition that they meet a minimum score on a national recognized exam such as the A.C.T.s.

Roll call on Assembly Bill No. 150:

YEAS—21.

NAYS—None.

Assembly Bill No. 150 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 183.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 183 requires the grantee of real property under an agreement for a deed in lieu of a foreclosure sale to record the conveyance with the appropriate office of the county recorder within 30 days after the date of the conveyance. The grantee is liable for attorney's fees and costs and for certain damages for failure to record the conveyance. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 183:

YEAS—21.

NAYS—None.

Assembly Bill No. 183 having received a two-thirds majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 201.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 201 prohibits a local government from entering into an agreement with any person for the purpose of exercising the power of eminent domain to take a mortgage, deed of trust or mortgage lien on private property or any note secured by a mortgage, deed of trust or mortgage lien on private property. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 201:

YEAS—21.

NAYS—None.

Assembly Bill No. 201 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 244.

Bill read third time.

Remarks by Senators Brower and Ford.

SENATOR BROWER:

Assembly Bill No. 244 provides that a person is guilty of a category D felony, regardless of the value of the loss, if the person has previously been convicted of two or more graffiti offenses or otherwise defacing public or private property or has previously been convicted of a felony for such conduct and commits another such violation. This bill is effective on October 1, 2015.

SENATOR FORD:

Unfortunately, I must arise again to oppose the bill. Assembly Bill No. 244 is another example of a three-strikes bill. I do not believe that the punishment fits the crime in this instance.

Also, I cannot support this bill because we all know that three-strikes bills have a disproportionate effect on communities of color. For those reasons, I cannot support this bill.

SENATOR BROWER:

I want to make sure the Body understands that this was established and agreed in Committee, and it was not a classic three-strikes type bill. The classic three-strikes bill that has been passed in many states in the Country mandates prison time and, indeed, often mandates life in prison for three or more felonies. This bill does not do that. Even with the change in this bill from a gross misdemeanor to a category D felony for certain offenses, the offense would not bring with it mandatory prison time. Therefore, the judge would have the discretion to sentence probation even under this bill.

SENATOR FORD:

With all due respect, this does not change the fact that, disproportionately, people of color are now going to be brought before a judge to have to answer to this type of issue because it is quintessential to a three-strikes-type of law. For that additional reason, I will not be supporting this bill, and I encourage my colleagues to likewise reject this bill.

Roll call on Assembly Bill No. 244:

YEAS—12.

NAYS—Atkinson, Denis, Ford, Kihuen, Parks, Segerblom, Smith, Spearman, Woodhouse—9.

Assembly Bill No. 244 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 383.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 383 authorizes the Department of Motor Vehicles (DMV) to issue a Nevada driver's license to an applicant who has a valid driver's license from a country that has requirements for the issuance of drivers' licenses comparable to this State. The bill also authorizes the Director of the DMV to enter into reciprocal agreements with the appropriate officials of other countries.

Finally, Assembly Bill No. 383 requires the Director of the DMV, in recognition of the 30th anniversary of the sister-state relationship between Nevada and Taiwan, to begin negotiations as soon as practicable with the Director General of the Taipei Economic and Cultural Office in San Francisco, California, for reciprocity in issuing drivers' licenses to: 1) residents of Nevada who reside in Taiwan; and 2) Taiwanese citizens who reside in Nevada. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 383:

YEAS—21.

NAYS—None.

Assembly Bill No. 383 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 206.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 206, as amended, requires the Department of Motor Vehicles (DMV) to provide, at the time of issuance, the holder of a driver's license, driver authorization card or identification card the opportunity to have indicated on the holder's license or card that the

holder wishes to be an organ donor or does not at this time wish to be an organ donor. Senate Bill No. 206, requires the DMV to provide notice, at the time of renewal, that unless the holder of a driver's license, driver authorization card or identification card affirmatively indicates that the holder wishes to change the organ donor indication, it will remain on the holder's license or card.

Senate Bill No. 206, provides that the holder of a driver's license, driver authorization card or identification card may be given the opportunity to donate \$1 to the Anatomical Gift Account at the time of renewal.

Senate Bill No. 206, is effective upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks and is effective for all other purposes as soon as practicable upon determining sufficient resources are available to enable the Department to carry out the provisions of the bill.

Roll call on Senate Bill No. 206:

YEAS—21.

NAYS—None.

Senate Bill No. 206 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 374.

Bill read third time.

Remarks by Senators Farley and Atkinson.

SENATOR FARLEY:

Today, Nevada enjoys robust jobs in renewable energy industry that includes rooftop solar, large scale solar, geothermal and wind developments. Over the years, this Body has placed limits on the amount of net metering that can occur because of the financial impacts to other customers that do not install solar generation. Rather than having to revisit this cap every Legislative Session, this bill requires the Public Utilities Commission of Nevada to do a thorough analysis on what the appropriate cost and subsidies that should or should not be borne by utility customers in this State. This bill places all of these decisions in the hands of the regulators and gives those regulators the authority and adequate time to work on this important matter. At the same time, this bill gives the Commission the ability to make sure that rooftop installations continue, pending this process.

SENATOR ATKINSON:

I want to rise in support of Senate Bill No. 374 and the amended language that the Chair of the Legislative Operations and Elections Committee put in the bill. I would like to thank her and the Chair of the Commerce, Labor and Energy Committee for working with us on trying to come up with something bipartisan on an issue that has taken up a lot of time this Session. We have heard from a lot of people. This has been the second most lobbied bill this Session. It has been tough. It is a tough issue and a difficult road to go down. I wanted to commend the Chair and my colleague, even my colleague from Senate District 1 who has been in my ear all Session about this issue as well. This is a healthy compromise. It is one of those things where we cannot make everyone happy. Everybody will not be thrilled, but it is the best thing to do for our citizens and the rate payers of the State.

Roll call on Senate Bill No. 374:

YEAS—21.

NAYS—None.

Senate Bill No. 374 having received a constitutional majority, Mr. President pro Tempore declared it passed as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 17.

Bill read third time.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 4:07 p.m.

SENATE IN SESSION

At 4:09 p.m.

President pro Tempore Hardy presiding.

Quorum present.

Remarks by Senator Roberson.

Assembly Bill No. 17 authorizes the Executive Director of the Office of Economic Development, upon the approval of the Board of Economic Development, to cause the formation of a nonprofit entity for certain economic development purposes. The bill specifies that the nonprofit entity must have a Board of Directors consisting of seven members, based on qualifications and requirements specified in the bill. Assembly Bill No. 17 additionally requires that the Board of Directors of the corporation submit, on or before December 1 of each year, an annual report to the Governor and the Director of the Legislative Counsel Bureau containing certain information relating to the activities of the nonprofit entity.

Sections 1 to 4, inclusive, and section 6 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2015, for all other purposes. Section 5 of this act, which removes certain references to abatements approved pursuant to Senate Bill 1 of the 29th Special Session from confidentiality provisions amended in that section, becomes effective on July 1, 2036.

Roll call on Assembly Bill No. 17:

YEAS—21.

NAYS—None.

Assembly Bill No. 17 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 32.

Bill read third time.

Remarks by Senator Roberson.

Assembly Bill No. 32 corrects technical issues discovered during the interim regarding the conversion of special fuels to gallons and the application of the tax rate to the converted gallons of special fuel between the DMV and the special fuel taxpayers. The provisions of this bill related to the conversion of compressed natural gas and maintaining the current statutory 21-cent-per-gallon tax rate require a two-thirds vote to rectify the issue discovered during the interim.

Roll call on Assembly Bill No. 32:

YEAS—21.

NAYS—None.

Assembly Bill No. 32 having received a two-thirds majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 53.

Bill read third time.

Remarks by Senator Atkinson.

Assembly Bill No. 53 revises the standard of proof for administrative hearings in existing law to conform to the preponderance-of-the-evidence standard set by a recent Nevada Supreme Court decision. This bill also codifies into statute the definition of "substantial evidence" in case law for purposes of the standard for judicial review. Among other provisions, Assembly Bill No. 53 also: provides that the voluntary surrender of a license in a contested case will constitute disciplinary action against the licensee; requires a party who requests the transcription of oral proceedings to pay for the costs of the transcription; clarifies that, to be a contested case, the provision of notice and opportunity for hearing must be required by statute or regulation; and makes it discretionary instead of mandatory for a regulatory body that initiates disciplinary proceedings against a licensee to require the licensee to submit his or her fingerprints. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 53:

YEAS—21.

NAYS—None.

Assembly Bill No. 53 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 54.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 54 revises provisions governing the operation of the Committee on Local Government Finance. The bill provides for the withholding of certain payments to which a local government may otherwise be entitled for failing to file certain financial reports or to make certain payments to the Public Employees' Benefits Program. The bill requires the Department of Taxation, upon making a determination that certain financial conditions exist in a local government, to place the local government under "fiscal watch" and requires the Nevada Tax Commission, upon making such a determination of severe financial distress, to order the local government to follow a remedial course of action, including increasing revenues and reducing the expenditures of the local government, as necessary. The bill authorizes the Department to reopen and renegotiate in good faith, or assist a local government in renegotiating, an existing collective bargaining agreement relating to compensation or monetary benefits under certain conditions. The bill extends the period by which a local government may repay certain interest-free loans distributed by the Executive Director of the Department to the local government. The measure also requires the Department to report the status of the financial condition of any local government that has been declared in severe financial emergency to the Legislature or Legislative Commission. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 54:

YEAS—21.

NAYS—None.

Assembly Bill No. 54 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 57.

Bill read third time.

Remarks by Senator Roberson.

Assembly Bill No. 57 revises provisions contained within NRS 360B.281 governing the taxation of certain purchases of direct mail, to ensure Nevada's continued compliance with the Streamlined Sales and Use Tax Agreement. This act becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 57:

YEAS—20.

NAYS—Gustavson.

Assembly Bill No. 57 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 59.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 59 makes it mandatory for the Administrator of the State Public Works Division to lease and equip office rooms outside of State buildings for the use of State officers, departments, agencies, boards and commissions whenever sufficient space cannot be provided within State buildings. The bill also authorizes the Administrator, upon request, to lease and equip office rooms outside of State buildings on behalf of State officers and employees of boards that are exempt from certain provisions governing State financial administration. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 59:

YEAS—21.

NAYS—None.

Assembly Bill No. 59 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 62.

Bill read third time.

Remarks by Senators Parks, Kieckhefer, and Goicoechea.

SENATOR PARKS:

Assembly Bill No. 62 designates the third Wednesday of March during each regular Session of the Legislature as "Veterans Day at the Legislature." This bill also makes several changes with respect to veteran services. Specifically, the bill: provides that the Governor may name a State building, park, monument, bridge, road or other State property after a deceased member of the Armed Forces of the United States who was a resident of this State and who was killed in action; 2) revises provisions relating to bidding preferences on State purchasing contracts and public works projects for businesses owned and operated by veterans with service-connected disabilities; 3) establishes a procedure to ensure proper interment of honorably discharged indigent veterans at a national cemetery or a veterans cemetery in this State; 4) allows a veteran who is to be interred at a State veterans cemetery, or his or her immediate family, to choose to have the area immediately above and surrounding the interred remains of the veteran landscaped

with xeriscaping; and finally, requires Nevada's Department of Veterans Services to provide the veterans in this State with a detailed legislative update following each regular Legislative Session. This bill is effective on July 1, 2015. I urge your support.

SENATOR KIECKHEFER:

I have a question for the sponsor of the bill. It seems to bifurcate our disabled veterans into people who have more or less than a 50 percent disability and the types of projects they can bid on. Is there a reason for that? I realize this is an Assembly bill and not Senator Parks personal legislation, but maybe someone can answer that for me.

SENATOR PARKS:

I cannot answer that. I do know. I was granted a disability upon discharge from service but did not follow up on it. As I understand it, there are certain levels of disability granted for specific benefits. My understanding is that this bill is silent as to a level of disability. Most disabilities start with 10 percent and go up to 100 percent. My presumption is anyone who can show evidence of a disability would be allowed to access this.

SENATOR KIECKHEFER:

I do not want to come across as if I am against the concept of bidders preference for our disabled veterans in any way, but it seems they are split into different categories, and a business owned and operated by a disabled veteran with a service-connected disability greater than 50 percent can bid on a more expensive public works contract than those with less than 50 percent. It does not ring true as to why we need to do that. It has, however, been vetted by the Committee, and I will be supporting it.

SENATOR GOICOECHEA:

The rationale was that the higher level of disability you had, if you were 80 percent or more disabled, it actually would enhance your ability to seek and fulfil those contracts. There were a number who felt that with a lesser disability, such as 10 percent, compared with those having an 80 percent disability, this would level the playing field. This was the rationale for why we supported it.

SENATOR PARKS:

Section 15 of this bill indicates it would have to be a veteran with a service-connected disability greater than 50 percent to qualify for the 5-percent preference. There are certainly a number of federal statutes that give certain determinations, but I know this is State law.

Roll call on Assembly Bill No. 62:

YEAS—21.

NAYS—None.

Assembly Bill No. 62 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 65.

Bill read third time.

Remarks by Senator Lipparelli.

Assembly Bill No. 65 makes various changes relating to the regulation of notaries public and document preparation services. The bill clarifies that criminal convictions based on a plea of nolo contendere, or no contest, can result in the suspension or revocation of the appointment of notaries public. The bill also clarifies that a person whose appointment as a notary public has expired, or been suspended, or revoked, shall not represent him or herself as a notary public or face a potential civil penalty for such a violation. The bill prohibits the Secretary of State from appointing, as a notary public, or registering as a document preparation service, any person who previously served as a notary public or a document preparation service in this State or another state whose appointment, or registration, has been revoked for cause. The measure allows a

person who holds employment authorization from the United States Citizenship and Immigration Services to register as a document preparation service. The bill authorizes the Secretary of State to inspect the documents required to be maintained by a document preparation service to ensure compliance with the law.

Finally, the bill provides that a person who uses a document for which an authentication has been issued to: 1) harass a person; or 2) accomplish any fraudulent, criminal or other unlawful purpose is guilty of a category C felony. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 65:

YEAS—21.

NAYS—None.

Assembly Bill No. 65 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 86.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 86 makes various changes to the governance of the Silver State Health Insurance Exchange. The bill removes the restriction against appointing a person to the Board who is affiliated in any way with a health insurer; however, it limits the number of voting members of the Board that may represent any particular area of expertise or experience. Finally, the measure provides for compensation of Board members and reduces the minimum number of Board meetings from once per quarter to once per year. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 86:

YEAS—21.

NAYS—None.

Assembly Bill No. 86 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 88.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 88 makes various changes to the Charter of the City of Reno. The bill provides that the Majority Leader or Minority Leader of the Senate or the Speaker or Minority Leader of the Assembly shall appoint members to the City of Reno Charter Committee if there are no members of the respective Legislative Houses representing the residents of the City that belong to the majority or minority party, as applicable. The bill also clarifies the procedures for filling a vacancy in an elective office by special election or appointment. Additionally, the bill: clarifies that certain officers, employees and other staff may be appointed by the City Manager, City Clerk and City Attorney, respectively; requires a person who is appointed as the City Manager to become an actual resident of the State not later than six months after the date of his or her appointment; authorizes the City Council to retain the services of special legal counsel rather than employ such counsel; and clarifies which employees are exempted from the City's Civil Service System. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 88:

YEAS—20.

NAYS—Kieckhefer.

Assembly Bill No. 88 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 92.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 92 requires the State Registrar of Vital Statistics to prepare and file a birth certificate for a child, which shows the intended parent or parents upon the receipt of a Nevada district court order for a gestational agreement issued. After the birth certificate is filed, the State Registrar will seal and file the order and the original birth certificate, if any. Lastly, only an order validating a gestational agreement issued by a district court in Nevada for an action originally commenced in this State is valid in Nevada as it relates to a child born in this State. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 92:

YEAS—21.

NAYS—None.

Assembly Bill No. 92 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 97.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 97 clarifies the circumstances by which a deceased person's will that is delivered to the clerk of a district court becomes part of the permanent record maintained by the clerk of the court. By being part of the permanent record, such a will is a court record open to inspection unless the will is sealed pursuant to Nevada Supreme Court rules. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 97:

YEAS—21.

NAYS—None.

Assembly Bill No. 97 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 101.

Bill read third time.

Remarks by Senator Farley.

Assembly Bill No. 101 exempts from the definition of "charter bus transportation" any bus used to transport workers to and from certain work sites, including construction sites, mines and renewable energy facilities in counties with a population of less than 100,000. This exemption effectively removes the requirement that a driver of such a bus obtain a driver's permit issued by the Nevada Transportation Authority and pay the associated fees. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 101:

YEAS—21.

NAYS—None.

Assembly Bill No. 101 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly

Assembly Bill No. 106.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 106 eliminates the authority of a public body to include in a contract with a design professional a provision requiring that the design professional defend the public body in any lawsuit alleging negligence, errors or omissions, recklessness or intentional misconduct on the part of the design professional or his or her employees or agents that are based upon or arising out of the professional services of the design professional. In such circumstances, this bill provides that if the design professional is held to be liable as a result of a lawsuit, the judge or jury shall order the design professional to reimburse the public body for a proportionate share of the attorney's fees and costs the public body incurred in defending the action. This bill retains the public body's authority to include a provision in a contract with a design professional requiring that the design professional defend the public body in any lawsuit alleging negligence, errors or omissions, recklessness or intentional misconduct of the design professional or his or her employees or agents that are not based upon or arising out of the professional services of the design professional. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 106:

YEAS—21.

NAYS—None.

Assembly Bill No. 106 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 107.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 107 requires each school district, including each charter school authority, to include in its annual report of accountability certain information, including comparative statistics, concerning pupils who are eligible for and who receive free or reduced-price breakfasts and lunches. The bill also requires the report completed by the State Board of Education to include comparable information for Nevada on a statewide basis. This bill is effective on July 1, 2015, for the purpose of adopting regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

Roll call on Assembly Bill No. 107:

YEAS—21.

NAYS—None.

Assembly Bill No. 107 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 108.

Bill read third time.

Remarks by Senator Brower.

This important bill is a follow-on to a bill we passed last Session that addressed certain crimes. The bill expands the law to address certain other crimes. Assembly Bill No. 108 authorizes a court to vacate a judgment of conviction for trespassing, loitering in a gaming area or loitering in violation of a local ordinance if the defendant's participation in the offense was the result of having been a victim of sex trafficking or involuntary servitude situation.

Roll call on Assembly Bill No. 108:

YEAS—21.

NAYS—None.

Assembly Bill No. 108 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 112.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 112 expands the Legislature's goal to provide a safe and respectful learning environment by ensuring that the quality of instruction is not negatively impacted by poor attitudes or interactions among school district personnel. The policy established by the Department of Education must include requirements and methods for reporting violations among teachers and between teachers and other educational personnel. The bill also requires that the policy promote a positive learning environment. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 112:

YEAS—21.

NAYS—None.

Assembly Bill No. 112 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 116.

Bill read third time.

Remarks by Senator Roberson.

Assembly Bill No. 116 revises provisions governing the Clark County Regional Business Development Advisory Council, which was originally enacted by the Legislature pursuant to Assembly Bill 7 of the 20th Special Session. The changes include: revising the membership of the Council; changing the information which must be reported from certain public entities to the Council; and requiring that the Council submit a report every two years to the Legislature regarding the policies, programs and procedures that the Council proposed and implemented during the previous two-year period. This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 116:

YEAS—21.

NAYS—None.

Assembly Bill No. 116 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 124.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 124 raises the minimum age at which a child may be punished from eight years to ten years of age, unless the child is charged with murder or certain sexual offenses. We are talking about juvenile crimes.

Roll call on Assembly Bill No. 124:

YEAS—21.

NAYS—None.

Assembly Bill No. 124 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 130.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 130 increases from \$250,000 to \$300,000 the maximum gross value of an estate of a decedent for which a court is authorized to enter an order for summary administration. The bill increases from \$20,000 to \$100,000 the gross value of an estate for which an affidavit showing the right to receive the assets without the issuance of a letter of administration or, if applicable, the probate of a will, may be used for the transfer of assets if a claimant is a surviving spouse of the decedent, and to \$25,000 for any other claimant. The value of any motor vehicle registered to the decedent is excluded from the determination of gross value. Lastly, the affidavit is required to include a declaration that the claimant is not aware of any existing personal injury claims or other torts against the deceased. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 130:

YEAS—21.

NAYS—None.

Assembly Bill No. 130 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 4:46 p.m.

SENATE IN SESSION

At 4:56 p.m.

President pro Tempore Hardy presiding.

Quorum present.

Assembly Bill No. 136.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 136 allows a person to carry a handgun for self-defense when hunting with archery equipment or a muzzle-loading firearm. The handgun may not have a barrel length

greater than eight inches or a telescopic sight and may not be used to hunt wildlife. The bill also requires Nevada's Department of Wildlife to provide reasonable accommodations for persons with disabilities taking hunter education courses.

Finally, Assembly Bill No. 136 requires the Board of Wildlife Commissioners to adopt regulations prescribing the circumstances under which a person may assist a licensed hunter with certain disabilities in the killing and retrieval of a big game mammal. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 136:

YEAS—21.

NAYS—None.

Assembly Bill No. 136 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 140.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 140 provides that the court cannot attach, levy, seize by or under any legal or equitable process or make an assignment or otherwise divide, any federal disability benefits awarded to a veteran for a disability connected to his or her military service for a disposition of community and joint tenancy property, an alimony award or the support of a spouse, unless there is a valid premarital agreement. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 140:

YEAS—21.

NAYS—None.

Assembly Bill No. 140 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 143.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 143 authorizes a motor vehicle insurer to provide evidence of insurance in an electronic format that can be displayed on a mobile electronic device. A person who presents a mobile electronic device to provide evidence of insurance assumes all liability for any resulting damage to the device. Additionally, if evidence of insurance is provided to a peace officer in an electronic format, the peace officer shall not intentionally view any other content on the mobile device.

This measure is effective upon passage and approval for purposes of adopting regulations and performing other preparatory administrative tasks and on October 1, 2015, for all other purposes.

Roll call on Assembly Bill No. 143:

YEAS—21.

NAYS—None.

Assembly Bill No. 143 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 151.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 151 clarifies who may petition the court to adopt a child. The bill allows the adoption of a child of any age if the child is being adopted by certain family members and the adoption is in the best interest of the child and the public. The measure requires that a married person obtain from his or her spouse consent to adopt. The spouse who consents will not have any parental rights or responsibilities or be named as an adoptive parent unless the spouse specifically agrees to the adoption and the home is suitable. If the spouse cannot be found or lacks the capacity to consent, the court may dispense with the consent requirement. Lastly, the measure exempts stepparents and relatives within the third degree of consanguinity from the six-month wait requirement prior to the issuance of a court's order or decree of adoption. This bill is effective on October 1.

Roll call on Assembly Bill No. 151:

YEAS—21.

NAYS—None.

Assembly Bill No. 151 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 153.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 153 requires the juvenile court to place a child under the supervision of the juvenile court pursuant to a supervision and consent decree if the child is alleged to have engaged in prostitution or the solicitation of prostitution. The juvenile court must order the terms and conditions of the supervision to address the needs of the child, including services to address the sexual exploitation and the placement of the child.

If the child violates the supervision and consent decree, the allegation must be brought before the court and the court may issue certain orders concerning the child. Upon the successful completion of the terms and conditions of the supervision and consent decree, or if the child reaches 18 years of age, the court must dismiss the petition alleging that the child engaged in prostitution or this solicitation of prostitution. A child who has reached 18 years of age may consent to remain under the supervision of the juvenile court. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 153:

YEAS—21.

NAYS—None.

Assembly Bill No. 153 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 156.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 156 requires the Director of the Department of Health and Human Services, when determining whether a community is "at-risk," to consider, in addition to other factors, the number of families in the community who are at imminent risk of homelessness. The bill clarifies that a family resource center is a facility where families may directly obtain social services. Family resource centers are required to include input from their local and State elected

officials when developing an action plan related to a grant. Case managers are required to collect and analyze data to monitor the performance of family members who receive services. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 156:

YEAS—21.

NAYS—None.

Assembly Bill No. 156 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 160.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No.160 authorizes justice courts and municipal courts to be held in various other locations under certain circumstances upon the approval of the court. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 160:

YEAS—21.

NAYS—None.

Assembly Bill No. 160 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 162.

Bill read third time.

Remarks by Senator Atkinson.

Assembly Bill No. 162 authorizes law enforcement agencies to require uniformed peace officers to wear a portable event recording device while on duty and requires certain law enforcement agencies to adopt policies and procedures relating to the use of portable event recording devices. The bill also establishes that any record made by a portable event recording device is a public record, which may be requested only on a per-incident basis and inspected only at the location where the record is held if the record contains confidential information. The measure also exempts a portable event recording device worn by a peace officer from the definition of an "electronic, mechanical or other device" used to intercept wire or oral communication. This bill is effective on January 1, 2016.

Roll call on Assembly Bill No. 162:

YEAS—21.

NAYS—None.

Assembly Bill No. 162 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 189.

Bill read third time.

Remarks by Senator Gustavson.

Assembly Bill No. 189 makes various changes relating to special license plates. The bill requires an application by a charitable organization for a special license plate to include a budget prepared by or for the organization if it is not a governmental entity whose budget is included in the *Executive Budget*. The charitable organization must annually provide the Commission on Special License Plates with a report on the organization's budget detailing how the special plate fees have been expended and a copy of its most recent federal tax return, if any. The measure also requires the organization to annually publish the tax return on its website or in a newspaper of general circulation in the county where the organization is based.

This bill further authorizes the Commission on Special License Plates to request the Legislative Commission to direct the Legislative Auditor to perform an audit of any charitable organization receiving fees from the sale of special license plates if the Commission on Special License Plates has reasonable cause to believe or has received a credible complaint that the organization has: filed with the Commission or the Department of Motor Vehicles forms or records that are inadequate or inaccurate; committed improper practices of financial administration; or failed to use adequate methods and procedures to ensure that all money received by the organization from special license plates is appropriately expended.

Finally, Assembly Bill No. 189 provides that certain records submitted to the Commission on Special License Plates by a charitable organization are public records and are available for public inspection. This measure is effective on July 1, 2015.

Roll call on Assembly Bill No. 189:

YEAS—20.

NAYS—Smith.

Assembly Bill No. 189 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 192.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 192 revises the period of time that a declarant's control of a unit-owners' association must terminate depending upon the size of the common-interest community. For a common-interest community with fewer than 1,000 units, the declarant's control terminates 60 days after conveyance of 75 percent of the units. For a common-interest community with 1,000 units or more, the declarant's control terminates 60 days after conveyance of 90 percent of the units.

The measure also revises provisions concerning the election of unit owners to the executive board during the period of a declarant's control. For a common-interest community with fewer than 1,000 units, members of the executive board must be elected by units' owners other than the declarant not later than 60 days after conveyance of 25 percent of the units. For a common-interest community with 1,000 units or more, members of the executive board must be elected by units' owners other than the declarant not later than 60 days after conveyance of 15 percent of the units. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 192:

YEAS—21.

NAYS—None.

Assembly Bill No. 192 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 195.**Bill read third time.****Remarks by Senator Brower.**

Assembly Bill No. 195 revises provisions governing the amount of a deficiency judgment to be awarded by a court after the foreclosure of a mortgage or a deed of trust. Specifically, the bill revises a provision of current law that limits the amount that a person who acquires the right to obtain a deficiency judgment from another person may obtain, such that it applies only to certain deficiency judgments awarded after the passage and approval of this bill involving enforcement of: 1) any debt secured by certain residential property; and 2) any debt secured by any other property if the promissory note or guaranty evidencing the debt was fully executed before July 1, 2011. In such cases, the amount of the deficiency judgment must not exceed the amount of the consideration paid for that right.

The bill further revises provisions governing the amount that a person holding a junior lien on real property may recover in a civil action. The measure provides that the limitation for the amount of consideration paid by the creditor for the right to enforce the obligation secured by the junior mortgage or lien applies only to a money judgment awarded on or after the passage and approval of this bill in a civil action to enforce: 1) any obligation secured by a junior mortgage or lien on certain real property upon which the debtor or a guarantor or surety of the debt maintains his or her principal residence; and 2) any obligation secured by a junior mortgage or lien on any other real property if the promissory note or guaranty evidencing the obligation was fully executed before July 1, 2011. In such cases, the money judgment obtained by a creditor with a junior mortgage or lien on real property may not exceed the amount of the consideration paid by the creditor for the right to enforce the obligation secured by the junior mortgage or lien. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 195:

YEAS—21.

NAYS—None.

Assembly Bill No. 195 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.**Assembly Bill No. 200.****Bill read third time.****Remarks by Senator Kieckhefer.**

Assembly Bill No. 200 requires the Aging and Disability Services Division, through its program to provide telecommunication devices to persons with impaired speech or hearing, to make interpreters available, when possible, to assist the departments of State government in providing access to persons who are deaf or hard of hearing. In addition, the program must include provisions for assistive technology and certain services to be offered by centers for persons who are deaf or hard of hearing. The bill also removes the requirement that the Public Utilities Commission of Nevada (PUCN) approve the program. The amount of the surcharge established by the PUCN to fund the program and cover related costs is limited to not more than 8 cents per month on each access line of each customer of any telephone company providing such lines, including wireless access lines.

Lastly, the bill changes the voting status of certain members of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities by making two members nonvoting members.

The services to be offered by the centers for persons who are deaf or hard of hearing include: facilitating the provision and distribution of telecommunication devices and assistive technology; assisting persons in accessing assistive devices; expanding services for telecommunication devices and assistive devices where there is a need and no services are

available; providing instruction in language acquisition; and providing programs to increase access to education, employment, and health and social services.

This bill is effective upon passage and approval for purposes of performing preparatory administrative tasks and on July 1, 2015, for all other purposes.

Roll call on Assembly Bill No. 200:

YEAS—21.

NAYS—None.

Assembly Bill No. 200 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 204.

Bill read third time.

Remarks by Senator Gustavson.

Assembly Bill No. 204 requires that an authorization letter which is issued with a special license plate, parking placard or parking sticker by the Department of Motor Vehicles (DMV) or a city or county contain the photograph of the holder of a plate, placard or sticker that appears on the person's driver's license or identification card. The bill also requires the owner or operator of a motor vehicle displaying such a plate, placard or sticker to present the authorization letter to a law enforcement representative upon request.

This measure is effective upon passage and approval for purposes of adopting regulations and performing other preparatory administrative tasks, and for all other purposes, on the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau the DMV possesses sufficient resources to carry out the amendatory provisions of this bill.

Roll call on Assembly Bill No. 204:

YEAS—21.

NAYS—None.

Assembly Bill No. 204 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 212.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 212 provides that a prosecution for sexual assault must be commenced within 20 years after the commission of the offense, instead of within 4 years.

This bill is effective on October 1, 2015. The amendatory provisions of this bill apply to a person who committed sexual assault before October 1, 2015, if the applicable statute of limitations has commenced but has not yet expired on October 1, 2015, and to a person who commits sexual assault on or after October 1, 2015.

Roll call on Assembly Bill No. 212:

YEAS—21.

NAYS—None.

Assembly Bill No. 212 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 223.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 223 revises provisions concerning the abuse, neglect, exploitation and isolation of older and vulnerable persons. "Abandonment" is defined as the desertion of an older person or vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care or withdrawal of necessary assistance owed to an older person or vulnerable person by a caretaker or other person with an obligation to provide services to the person. References to the term "abandonment" are added to provisions of existing law. Other terms are clarified, including the term "abuse" to mean the infliction of psychological or emotional anguish, pain or distress on an older person or vulnerable person through any act and permitting such acts to be committed, and the term "isolation" to include permitting acts that constitute isolation to be committed against an older person or vulnerable person.

The bill removes from current law the option for a person who knows or has reasonable cause to believe that an older person has been subjected to certain acts to report such information to the county's office for protective services.

Finally, Assembly Bill No. 223 provides that if data or information concerning the confidential reports and investigations of the abuse, neglect, exploitation, isolation or abandonment is made available, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 223:

YEAS—21.

NAYS—None.

Assembly Bill No. 223 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 224.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 224 requires that the Central Repository for Nevada Records of Criminal History, depending on the purpose of a particular request for background and personal history of a person, must receive the submission of a complete set of fingerprints, one or more fingerprints or other biometric identifier in order to request and receive such information from the Federal Bureau of Investigation. "Biometric identifier" is defined in this bill as a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person. In addition, the Central Repository is required to adopt certain regulations governing biometric identifiers and the information and data derived therefrom. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 224:

YEAS—21.

NAYS—None.

Assembly Bill No. 224 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 225.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 225 requires certain provisions to be included in a contract entered into by the Director of the Department of Corrections with a public or private entity that provides certain programs to offenders or parolees participating in a correctional or judicial program for reentry into the community. The entity must also provide to any offender or parolee who completes a program a certificate of completion and provide a copy to the Department. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 225:

YEAS—21.

NAYS—None.

Assembly Bill No. 225 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 227.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 227 makes various changes to the licensure, discipline and general regulation of physicians, osteopathic physicians and physician assistants. It revises provisions regarding the disclosure of information on the discipline of licensees and addresses investigations of the competency of licensees. The bill also modifies the requirements for licensure to allow qualified applicants with education or training in a program approved by certain Canadian accreditors to apply for a license in this State.

Among other changes, Assembly Bill No. 227 allows the Board of Medical Examiners to issue a restricted license for a physician licensed in another state to teach, research or practice medicine at a medical research facility or medical school. It also revises the definition of "sentinel event" to incorporate the most current list of serious reportable events in health care published by the National Quality Forum for the purposes of requiring licensees to report information concerning the occurrence of those events. The bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 227:

YEAS—21.

NAYS—None.

Assembly Bill No. 227 having received a two-thirds majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 231.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 231 authorizes the Chiropractic Physicians' Board of Nevada to require certain licensees to submit to a mental or physical examination if the licensee's competence to practice is questioned by the Board's president or another member of the Board in reviewing a complaint. The measure revises the definition of "unprofessional conduct" for purposes of discipline by the Board. It also allows chiropractic training and education received from certain foreign schools to meet the requirements for licensure in this State under certain circumstances and waives the application fee for an applicant for temporary licensure who provides volunteer services. Finally, Assembly Bill No. 231 requires an applicant for reinstatement of licensure to submit fingerprints and pay the processing fee.

The bill is effective upon passage and approval for the purpose of adopting regulations and performing any preparatory tasks necessary to carry out the act, and on October 1, 2015, for all other purposes.

Roll call on Assembly Bill No. 231:

YEAS—21.

NAYS—None.

Assembly Bill No. 231 having received a two-thirds majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 236.

Bill read third time.

Remarks by Senator Atkinson.

Assembly Bill No. 236 encourages each State agency, to the extent practicable and within the limits of available funding, to develop a policy to promote public engagement that includes the use of the Internet and Internet tools, including electronic mail, electronic mailing lists, online forums and social media. This bill is effective on July 1, 2015. I urge your passage.

Roll call on Assembly Bill No. 236:

YEAS—21.

NAYS—None.

Assembly Bill No. 236 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 246.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 246 makes various changes governing the practice of cosmetology. The bill makes it unlawful to advertise certain services in a misleading or inaccurate manner and provides for disciplinary action by the State Board of Cosmetology for violations. The measure establishes the profession of "shampoo technologist" and sets out the various requirements for the regulation of that profession. It also removes an exception relating to nail technologists practicing in a licensed barbershop.

Among other changes, Assembly Bill No. 246 modifies the admissions eligibility to sit for an exam to become licensed as a cosmetologist, revises requirements for barbers to become cosmetologists, and adjusts the requirements for obtaining a license as a hair braider. It establishes a new fee for registration of persons practicing threading or acting as an owner or operator of a kiosk or stand-alone facility where threading is practiced and requires the Board to inspect facilities in which threading is conducted.

The bill also addresses cosmetology schools. It requires the Board to adopt regulations to prescribe the minimum enrollment of students and the amount of floor space required for a proposed school.

Finally, Assembly Bill No. 246 addresses service animals and exemptions for dogs and miniature horses under certain circumstances.

The bill is effective upon passage and approval for the purposes of adopting regulations and performing preparatory tasks, and on October 1, 2015, for all other purposes.

Roll call on Assembly Bill No. 246:

YEAS—21.

NAYS—None.

Assembly Bill No. 246 having received a two-thirds majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 251.

Bill read third time.

Remarks by Senator Manendo.

Assembly Bill No. 251 authorizes a used vehicle dealer to sell a new vehicle if the vehicle has been substantially modified by the used vehicle dealer or a third party for the benefit of a person with a disability. This measure is effective on July 1, 2015.

Assembly Bill No. 251 defines "substantially modified" as equipped or adapted to aid or allow a person with a disability to operate, travel in, enter, exit or load a vehicle. The term includes, without limitation: mechanical or structural changes to a vehicle that allow a person with a disability to safely drive or ride as a passenger; a device or mechanism that is used for loading or unloading a wheelchair or scooter and is mounted on the roof, in the passenger area, in the trunk or other storage area of a vehicle; and mechanical or electrical adaptive control devices that are installed in a vehicle to enable a person with mobility restrictions to control, without limitation, the accelerator, foot brake, turn signals, dimmer switch, steering wheel or parking brake of a vehicle.

Roll call on Assembly Bill No. 251:

YEAS—21.

NAYS—None.

Assembly Bill No. 251 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

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

Senate in recess at 5:27 p.m.

SENATE IN SESSION

At 5:29 p.m.

President pro Tempore Hardy presiding.

Quorum present.

Assembly Bill No. 267.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 267 eliminates the imposition of a sentence of life without the possibility of parole upon a person convicted of certain crimes who was less than 18 years of age at the time the crime was committed. The bill requires a court to consider the differences between juvenile and adult offenders in determining an appropriate sentence to be imposed and establishes certain minimum periods of incarceration that must be served by a prisoner who was sentenced as an adult for certain offenses that were committed when he or she was less than 18 years of age before the prisoner is eligible for parole. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 267:

YEAS—21.

NAYS—None.

Assembly Bill No. 267 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 268.

Bill read third time.

Remarks by Senator Lipparelli.

Assembly Bill No. 268 authorizes a licensing authority or a person designated by the licensing authority to obtain certain information on background and personal history of a person who is 18 years of age or older who routinely supervises a child in a foster home. Such a person is required to submit a complete set of fingerprints and certain documentation to the licensing authority for the purpose of a background investigation. If the licensing authority determines that the person has been convicted of a certain offense, the applicant or licensee of the foster home must ensure the person is not present in the home and must prevent continued supervision. A licensing authority must allow such person to correct such information. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 268:

YEAS—20.

NAYS—Gustavson.

Assembly Bill No. 268 having received a two-thirds majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 270.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 270 excludes certain manufactured home parks or owners or agents of manufactured home parks engaged in renting or leasing manufactured or mobile homes located within and owned by the park from the definition of "dealer," thus excluding them from the requirement to be licensed by the Manufactured Housing Division. The bill also modifies the method by which the fair market value of manufactured homes located within certain parks is determined. It requires the Division to adopt regulations for the issuance of limited lien resale licenses and permits that authorize a landlord or manager to sell a used mobile home if the landlord or manager acquired the mobile home by tenant voluntary surrender.

Finally, Assembly Bill No. 270 exempts from regulation as a mortgage broker or mortgage agent certain manufactured home sellers who engage in five or fewer seller-financed credit sale transactions per year. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 270:

YEAS—21.

NAYS—None.

Assembly Bill No. 270 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 285.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 285 expands existing law regarding the self-administration of medication for pupils in schools to include the self-administration of medication for the treatment of diabetes.

Roll call on Assembly Bill No. 285:

YEAS—21.

NAYS—None.

Assembly Bill No. 285 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 287.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 287 makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made a call to report an emergency on any nonemergency telephone line maintained by a governmental entity if no actual or perceived emergency exists. A person who makes such a call with the intent to initiate an emergency response, and the emergency response results in the death or serious bodily injury of another, is guilty of a category E felony. In addition, a person who is convicted of a category E felony for such an offense is liable for any costs incurred by any governmental entity as a result of his or her conduct.

Finally, if a court finds that a defendant charged under the provisions of this bill suffers from a mental illness or is intellectually disabled, the court may assign the defendant to an appropriate treatment program. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 287:

YEAS—21.

NAYS—None.

Assembly Bill No. 287 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 292.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 292 declares it to be the public policy of this State to encourage and facilitate the provision of services through tele-health to improve public health and the quality of health care provided to patients and to lower the cost of health care in this State. The bill defines "tele-health" as the delivery of health care services from a provider of health care to a patient at a different location through the use of certain technology. With limited exceptions, only a health care provider licensed in this State can direct or manage care, render a diagnosis or write a treatment order or prescription for a patient in this State. Existing law relating to the practice of telemedicine is repealed under this bill.

Additionally, the measure requires any policy of health or industrial insurance and Medicaid to include coverage via tele-health to the same extent as services provided in person. The bill also authorizes a hospital to grant staff privileges to a health care provider at another location to allow the provider to treat a patient via tele-health at the hospital.

Finally, Assembly Bill No. 292 requires the Commissioner of Insurance to consider health care services that may be provided via tele-health when making certain determinations concerning the adequacy of an insurer's network plan. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 292:

YEAS—21.

NAYS—None.

Assembly Bill No. 292 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 301.

Bill read third time.

Remarks by Senators Brower and Manendo.

SENATOR BROWER:

Assembly Bill No. 301 allows a unit owner in a common-interest community to display the State of Nevada flag as long as it is not larger than the size of the displayed United States flag. You may be wondering why in the world we need to actually pass a law to allow homeowners in our Great State to fly the Nevada flag. Apparently, we do. I urge your "yes" vote.

SENATOR MANENDO:

There was a time when folks could not fly the American flag as well or participate in the political process by putting up a political sign for a candidate or against a ballot measure. They came here and we took care of it. It is good to see we are passing this even though it is ridiculous that we need to. I urge your vote on it.

SENATOR BROWER:

I do not want to belabor this, but let me emphasize how ridiculous this has been. We had a witness, I believe it was a constituent of our colleague in the Assembly who is the chief sponsor of the bill, who testified that he asked for permission from his Home Owners Association (HOA) to fly the Nevada State flag during the sesquicentennial year. He was turned down. He appealed it and was turned down again. He subsequently was able to obtain permission from his HOA to fly a Denver Bronco's flag. Again, I urge your "yes" vote.

Roll call on Assembly Bill No. 301:

YEAS—21.

NAYS—None.

Assembly Bill No. 301 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 308.

Bill read third time.

Remarks by Senator Lipparelli.

Assembly Bill No. 308 requires persons who provide emergency medical services at a special event to be licensed attendants, physicians, registered nurses or physician assistants. The bill exempts a special event from the requirement to provide particular types of emergency medical services at an event held in a city whose population is less than 25,000 if: 1) there is a fire-fighting agency within the city; and 2) the city has adopted a plan for providing emergency medical services at special events.

The number of people needing emergency medical services that constitutes a significant number for the purposes of an event is revised from 0.07 percent of attendees to 0.7 percent of attendees. Also, physicians who work a special event are required to have experience in providing emergency medical services. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 308:

YEAS—21.

NAYS—None.

Assembly Bill No. 308 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 324.

Bill read third time.

Remarks by Senator Lipparelli.

Assembly Bill No. 324 lowers the age of a child for whom a child welfare agency is required to obtain a credit report from 16 years of age to 14 years of age to conform with federal requirements. A law enforcement agency is required to request certain identifying information from a parent or guardian of a child of any age who has been missing for 30 days. When a child welfare agency receives information that a child in custody is missing or abducted, the agency must immediately report the information to the National Center for Missing and Exploited Children and the National Crime Information Center database. In order to receive certain federal funds, the Division of Child and Family Services is required to adopt regulations concerning children who run away from foster care. The bill authorizes a child welfare agency that has custody of a child who is 16 years of age or older to present compelling reasons at a permanency hearing for placing a child in another permanent planned living arrangement. Also at the permanency hearing, a court shall ask a child about his or her desired permanent living arrangement and include an explanation as to why it is not in the best interest of a child to return to a certain living arrangement if the court makes such a determination. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 324:

YEAS—21.

NAYS—None.

Assembly Bill No. 324 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 362.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 362 authorizes a party in an action for divorce, separate maintenance or annulment to file a post judgment motion to obtain an adjudication of any community property or liability that was omitted from the final decree or judgment. The measure provides that the court has continuing jurisdiction to hear such a post-judgment motion and must make an equal disposition of the omitted community property or liability. A post-judgment motion as a result of fraud or a mistake must be filed within three years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. Lastly, in dividing the benefits from a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than six years after the installment payment. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 362:

YEAS—21.

NAYS—None.

Assembly Bill No. 362 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 366.

Bill read third time.

Remarks by Senator Roberson.

Assembly Bill No. 366 makes consistent the provisions relating to the acceptable use of certain proceeds by counties, cities and towns from certain fuel taxes imposed pursuant to chapter 365 of the NRS. The bill specifies that the proceeds that are distributed to counties, cities and towns under current law may be used by these entities for the construction, maintenance and repair of rights-of-way, as defined in the bill. This bill becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 366:

YEAS—21.

NAYS—None.

Assembly Bill No. 366 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 371.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 371 establishes a new procedure for the retention and destruction of certain quantities of substances alleged to be marijuana seized as evidence by a law enforcement agency. The law enforcement agency may, without prior approval of the district court in the county in which the defendant is charged, destroy any amount of the alleged substance that exceeds 10 pounds. The law enforcement agency is required to weigh the substance, take and retain certain samples of the substance for evidentiary purposes, and take photographs that reasonably demonstrate the total amount of the substance. If the substance is determined not to be marijuana, the owner may file a claim against the county to recover the reasonable value of the property destroyed. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 371:

YEAS—18.

NAYS—Parks, Segerblom, Smith—3.

Assembly Bill No. 371 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 377.

Bill read third time.

Remarks by Senators Kieckhefer, Smith and Settlemeyer.

SENATOR KIECKHEFER:

Assembly Bill No. 377 requires the State Land Registrar, upon notice from the Department of Corrections that operational activities at the Nevada State Prison in Carson City have ceased, to assign structures appropriate for administration as historical, cultural, educational and scientific resources to the appropriate State agency, and to assign the structures appropriate for continued administration by the Department of Corrections to the Silver State Industries Division within the Department.

The bill creates three funds and sets forth their allowable uses and responsibilities for administration. Those funds are: 1) the Endowment Fund for the Historic Preservation of the Nevada State Prison; 2) the Silver State Industries Endowment Fund; and 3) a dedicated trust fund established by the Board of Museums and History.

Finally, the bill allows the Department of Corrections, and any other State agency that is assigned administration of historic properties within the Prison, to grant special use permits to, or enter into agreements with, the Nevada State Prison Preservation Society for the purpose of giving tours or engaging in other commercial and tourist activities relating to the historic portions of the Prison. This bill comes from a lot of the hard work of Assemblyman Livermore who we honored on the Floor not too long ago. I encourage the Body to support it.

SENATOR SMITH:

What was contemplated if the execution chamber remains there?

SENATOR KIECKHEFER:

I believe the bill is contingent on all operational functions ceasing at Nevada State Prison. I do not know if that was part of the discussion held in the Committee. I need to defer to members of the Committee for that.

SENATOR SETTELMAYER:

There was no discussion about that point during the Committee hearing in Legislative Operations and Elections to my recollection.

SENATOR KIECKHEFER:

This is all contingent upon all operations of the Department of Corrections having ceased at the Nevada State Prison. I would assume operations of the execution chamber would fall into that category.

Roll call on Assembly Bill No. 377:

YEAS—20.

NAYS—Smith.

Assembly Bill No. 377 having received a two-thirds majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 384.

Bill read third time.

Remarks by Senator Farley.

Assembly Bill No. 384 establishes the Nevada Oral History Program in the Research Division of the Legislative Counsel Bureau (LCB). The Legislative Commission shall approve a plan and procedures to conduct oral histories of current and former Legislators. Materials are confidential unless released pursuant to policies approved by the Legislative Commission. The Director of the LCB may accept gifts, grants or donations in support of the program. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 384:

YEAS—21.

NAYS—None.

Assembly Bill No. 384 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 391.

Bill read third time.

Remarks by Senator Roberson.

Assembly Bill No. 391 expands the property tax exemption for certain property owned by a religious society or corporation to include parcels of land used exclusively for worship, including, without limitation, both developed and undeveloped portions of a parcel. This act becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 391:

YEAS—21.

NAYS—None.

Assembly Bill No. 391 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 419.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 419 clarifies that the provisions of the Uniform Unclaimed Property Act do not apply to tangible property, held in a safe-deposit box or other safekeeping depository, which is not maintained by a bank or other financial institution or a safe-deposit company. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 419:

YEAS—21.

NAYS—None.

Assembly Bill No. 419 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 422.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 422 provides that handlebars on a motorcycle or moped may extend not more than six inches above the driver's shoulder. The bill also prohibits a local authority from enacting an ordinance governing the operation and equipment of a motorcycle or a moped that conflicts with any existing State laws. This measure is effective on October 1, 2015.

Roll call on Assembly Bill No. 422:

YEAS—21.

NAYS—None.

Assembly Bill No. 422 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 449.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 449 provides for the issuance of a special license plate supporting the Boy Scouts of America. Fees from these license plates are to be used to: 1) assist boys from low-income families with the costs of participating in Boy Scouts; and 2) promote the Boy Scouts of America in schools. The bill also provides for the issuance of a special license

plate recognizing a person who has achieved the rank of Eagle Scout. Fees from these plates are to be used to assist boys with the costs of participating in local area camps sponsored by the Boy Scouts of America. Similarly, Assembly Bill No. 449 provides for the issuance of special license plates recognizing a person who has been awarded the Girl Scout Gold Award by the Girl Scouts of America. Fees from these license plates are to be used to: 1) assist girls from low-income families with the costs of participating in Girl Scouts; and 2) promote the Girl Scouts of America in schools.

Finally, the bill provides that special license plates recognizing a person who has achieved the rank of Eagle Scout in the Boy Scouts of America or has been awarded the Girl Scout Gold Award by the Girl Scouts of America are exempt from the requirements that a special license plate generally: 1) must be approved by the Department of Motor Vehicles, based on a recommendation from the Commission on Special License Plates; 2) is subject to a limitation on the number of separate designs of special license plates that the Department may issue at any one time; and 3) may not be designed, prepared or issued by the Department unless a certain minimum number of applications for the license plate is received. This measure is effective on October 1, 2015.

Roll call on Assembly Bill No. 449:

YEAS—19.

NAYS—Kieckhefer, Smith—2.

Assembly Bill No. 449 having received a two-thirds majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 454.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 454 limits the applicability of the current requirement that manufactured home park managers and assistant managers complete certain continuing education to those involved in the management of a park consisting of six or more lots. The bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 454:

YEAS—21.

NAYS—None.

Assembly Bill No. 454 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 1.

Resolution read third time.

Remarks by Senator Farley.

Assembly Joint Resolution No. 1 recognizes the longstanding relationships of the United States and Nevada with the State of Israel and expresses the Legislature's continued support. The resolution acknowledges Governor Brian Sandoval's trade mission to Israel and the appointment of an official trade representative to promote economic development between Israel and Nevada. The resolution is effective upon passage.

Roll call on Assembly Joint Resolution No. 1:

YEAS—21.

NAYS—None.

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

Resolution ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that Assembly Joint Resolutions Nos. 4, 8 be taken from the General File and placed on the Secretary's desk.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President pro Tempore and Secretary signed Senate Bill No. 312.

Senator Roberson moved that the Senate adjourn until Monday, May 18, 2015, at 4:00 p.m.

Motion carried.

Senate adjourned at 6:04 p.m.

Approved:

JOSEPH P. HARDY
President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate